

SIR. DOUGLAS FORSYTH
AUTOBIOGRAPHY
THE KODKA OUTBRAK
DOCUMENTS

CHAPTER III.

THE KOOKA OUTBREAK IN 1872.

' IN 1863, at Sir Robert Montgomery's request, I took the office of Secretary to Government during the absence to England of Mr. Davies for six months, and during that time the first signs of the rising of the Kooka sect were observed; and I became alive to the extreme danger from the preaching of the head of the sect, Ram Singh, who was originally a carpenter and in himself a thoroughly religious character, but his followers gave a political turn to his tenets, and it was necessary to repress them. Sir Robert Montgomery issued stringent orders restraining the teachers from going about, propagating their dangerous doctrines, and so long as these rules were adhered to the danger anticipated was averted.

' In 1868, Sir Donald Macleod, who succeeded Sir Robert Montgomery, relaxed the prohibitions

placed on the sect, and immediately there was an enormous gathering of Kookas at the great Fair of Anundpore, near Khawal, in the Jullundur division, of which I was the Commissioner, and a disturbance very nearly broke out and would have done so had it not been for the exertions of the police. From that time forward the mischief began to spread, and murders in Umritzur, Ferozepore, and Loodiana were reported and traced to the influence of this sect.

'In January, 1872, I was in the camp of exercise at Delhi, by order of the Lieutenant-Governor, when the news came of an outbreak at Malair Kotla, and matters looked serious. Lord Napier of Magdala, Commander-in-Chief, was in the camp, and having been told that the disaffection, spread by Ram Singh's doctrines, had entered into the ranks of the native army, unless this insurrection was immediately stamped out, he feared the worst results. He, therefore, determined to send a small force of cavalry, infantry, and artillery to Loodiana, and I was ordered by the Lieutenant-Governor to proceed at once to the spot and prepare to suppress the insurrection.

'I asked for specific orders to apprehend the leader, Ram Singh, but I could get nothing definite out of the Lieutenant-Governor and was obliged

to leave without. I distinctly remember my last words to him, which were these: "Then I shall act on my own judgment, and you must support me." I lay special stress on *this*, and repeat it most emphatically now, because some time after, when the conduct of every one connected with the business was seriously criticized, the responsibility of the Lieutenant-Governor was denied in the matter.

'When I got to Loodiana I found that Cowan, Deputy Commissioner of that place, had energetically followed up the fanatics and had caught a large number of them at Malair Kotla. As Commissioner and superintendent of the native states, I had the power of life and death which he had not. I wrote to him from Loodiana, ordering him to try the rebels but not to put any sentence into execution until I joined him. But Cowan took the law into his own hands, and put my letter into his pocket, refusing to act on it, and had the men put to death. As soon as I heard of this I was placed in this awkward predicament. I knew that the crisis was most important. If I repudiated his action and showed that there was a division amongst rulers, the natives would have taken advantage of it, and as reports were hourly coming in of further dis-

turbances threatening in Jullundur and Amritsir, promptitude and action united was absolutely necessary. I recollected how, at the outbreak of the Mutiny, the prompt execution of a Sikh at Umballa had checked a threatened rising of the nation. I therefore decided to take upon myself the responsibility of Cowan's act. I wrote a letter approving of what he had done under the circumstances. An incorrect version of my letter was put forward representing my having given a more hearty approbation than was the case, and this operated most injuriously on the public mind. It was not till months after, when I had been removed from my post and subjected to all the heaviest displeasure of the Government (unjustly as I shall show), that I was able to publish the correct version of my letter to Mr. Cowan.

'To continue, however, my narrative of events, I rode out to Malair Kotla and found a number of men who had been caught red-handed in the murder of the inoffensive inhabitants. These I put on their trial before assessors consisting of the Vakheels of the native states, and having found them legally guilty, I sentenced them to death. In all this I acted perfectly within my powers, and even my worst enemies could take no exception to my proceedings, though many,

wise after the event, pronounced the sentences too severe.

'My next step was to apprehend Ram Singh ; this had to be done very carefully to avoid any chance of rescue. I sent for him to come to my office at night, and ordered a special train to be in readiness. I had a guard concealed outside, to whom I handed him over as soon as he arrived, and put him into the train and sent him down to Delhi. I telegraphed to the Lieutenant-Governor, telling him what I had done. He approved of my act and obtained Lord Mayo's orders to send Ram Singh on to Calcutta, and subsequently to Rangoon where he died.

'It is a very remarkable fact that up to the time of the publication of a most severe and unjust sentence on me, I was never told that there was any inquiry going on regarding my share in the transaction, and I was not called upon to make any defence. I had no sort of suspicion of the storm which suddenly burst on my head, the first intimation of which was a curt telegram from the Lieutenant-Governor removing me from my appointment.

'Just at this time, fortunately for me, Lord Northbrook came out as Governor-General. I had applied to the Lieutenant-Governor for a copy

of the proceedings which led to my sentence of removal, but it was refused. I then appealed to Lord Northbrook, whose sense of justice operated in my favour, for I found that every letter or report which told in my favour had been carefully eliminated from the correspondence sent home for publication, and for the subsequent production of these I was indebted to Lord Northbrook's justice.

'It is a singular fact that whereas I believe the action of the Government was, as I was told, in a great measure prompted by a fear of the Exeter Hall party at home, I found to my great surprise and gratification the strongest support from that party, and I believe the missionaries to a man were on my side. The independent rajahs, native chiefs, and gentry generally, spontaneously advocated my cause,* and were promptly snubbed for doing so.

* From H. H. the MAHARAJAH of Puttiala, to the SECRETARY, Government, Punjab.

'February 15, 1872.

'MY DEAR FRIEND,—In reply to a telegram from you, I promised in my letter of the 20th ultimo, to make inquiries, as requested by his Honour the Lieutenant-Governor, and communicate to you the real cause of the Kooka outbreak; I therefore write for his Honour's information that, from many proofs, it is quite certain that Ram Singh's real motive and ambition was bent, upon religious *pretext*, to reign and acquire dominion, and he deceitfully implanted this capricious notion

'I had been removed from my appointment as Commissioner of Umballa and declared to be in-

in the minds of his ignorant and superstitious followers that their creed was to predominate, that everywhere the Government of the country would be very soon in their hands, and as they had the fullest belief of this absurdity, he never failed to excite their minds and keep them in agitation and earnest expectation to attain their object.

'2. And as the number of his followers—full of blind bigotry and zeal—had now increased to enormity and vastness, he therefore had a sanguine hope of success, and excited them to view, with the utmost horror and hatred, the act of cow-killing.

'3. In exciting this prejudice his motive was,—as under the religious pretext the *cartridge prejudice* subverted and put in commotion the whole of India in 1857,—that by means of this ignitable match he may rouse up and excite the feelings of the whole Hindoo community, including the chieftains, gentry, and the troops, to stand up and sympathize in support of a common cause of hatred against the rulers of the country, anticipating, with some reason, a result from the confusion which would follow, that in every class and grade of the community he would be held in respect and awe, and thus establish a powerful sway over them, of which he was long in earnest.

'Had not this appalling punishment been inflicted so promptly and so well as was the case, and had not Ram Singh and his Soobahs been deported from the province, there was no hope of the disturbance being quelled soon, and, without doubt, there would have been an endless waste of money and life before tranquillity and confidence would have been restored. Had they had the most meagre success, the whole sect would have sprung up like fiends, who were all anxiously watching the result of this pantomimic attack.

'The above is a brief result of my inquiries, which have been recorded after the most careful observation. There is *one thing more*, which I think it right to bring to your notice.

capable of serving in any political capacity. I went up to Simla and there pleaded for a fair trial, and in the end, although it was manifestly impossible to obtain the actual reversal of the solemn decision of the Government of India, the practical result was that within a year of the order, pronouncing me unworthy of political power, I was sent as Envoy to Kashgar, and invested with the powers of a Plenipotentiary.

‘ Looking back on the past, after a long lapse of years, I fully adhere to the decision which I hastily arrived at, at the time of the Kooka outbreak, to support my subordinate.

I have learnt from newspapers, etc., that the Government of India has expressed its disapprobation at the manner of the punishments awarded by the local authorities. I believe the object of Government will be misunderstood by the native public, and particularly by the benighted sect, who will, no doubt, attribute it to the supernatural power of their “Sutgooroo.”

‘ This will tend in a great measure to frustrate and invalidate the excellent action and efficient measures adopted in the coercion and eradication, by the district authorities and native chieftains, of an evil which had been so promptly and adequately nipped in the bud before bringing forth blossoms of further evil, and would make them look light and unimportant.

‘ I am of opinion that misconstruction of intention of a Government by the public is *always* fraught with unpleasant consequences, and I deem it right to inform you of the views I take on the subject.

‘ I am, my dear friend, yours very sincerely,

‘ (Signed) MOHENDRA SINGH, *Maharajah of Puttiala.*’

‘That he acted improperly is a matter beyond question, and the Government were doubtless bound to visit him with displeasure, but the manner of their doing so was altogether improper.

‘Some of them employed the press at home to support them, and to crush the unfortunate officials whom they had done their best to ruin.

‘I am justified in saying this, because articles appeared in the *Pall Mall Gazette* simultaneously with the orders in the *Government Gazette* in India which could not have been inspired by any who were not either in the Council or intimately acquainted with their mind.

‘Cowan, like a drowning man catching at a straw, and misinterpreting the support which I gave him, caused me additional trouble by giving an incorrect version of my letter already referred to. But I assumed it was unintentional, and subsequently I did my utmost to help him when he was turned out of the service by procuring a very good appointment for him in India.

The Kooka Executions.

ON the 22nd of July, the Correspondence relating to the executions of the Kookas,* who were implicated in the attacks on Fort Malodh and Malair Kotla in January last, was moved for in the House of Commons, and an order for printing it was issued. For some reason unexplained, no publication of these documents took place until the latter part of November, though questions as to the cause of their non-appearance had, on one or two occasions, been asked by members during the sitting of the House. On the day that Parliament was prorogued, a single sheet of paper, containing nothing more than the title of the Correspondence, was, however, laid upon the table; but underneath it—for the information of those who were interested in learning the details of this wholesale massacre—were only a quantity of blank sheets to represent a series of telegrams, letters, and reports, which, being now in print, extend to sixty pages.

In January last the Umballa Division of the Punjaub had the happiness of having as its Commissioner a Mr. T. D. FORSYTH, while Ludiana, a sub-division of the same district, was equally happy in being ruled over by a Mr. L. COWAN, as Deputy-Commissioner—two gentlemen who appear to have represented the DALHOUSIE school of Indian politicians in those parts.

On the night of the 14th of January, a body of Kookas, in number two hundred, it was said, made an unsuccessful attack on Fort Malodh—a place belonging to the Malodh Sirdars (Sikh chiefs), and situate twenty miles south of Ludiana—in which two or three were killed and four were wounded and captured; and on the following morning, the 15th, a second attack, which also resulted in failure, was made by the same party and others, numbering five hundred, it was said, on Malair Kotla—the capital of the Mahomedan State of that name, which lies thirty miles south of Ludiana—when seven were killed and five were captured.

The aggregate loss inflicted by the insurgents on both these occasions amounted to ten killed and seventeen wounded. On their repulse, however, at Malair Kotla, the main body fled into the Patiala territory, where the greater part of them, sixty-eight in number, many of whom were severely wounded, and all of whom are variously described as being thoroughly “broken, cowed, or dispirited,” peaceably surrendered themselves on the next day to the Patiala authorities. These were brought to Kotla, and on the day following, the 17th, forty-nine of them, within two hours of their arrival, were blown from guns without trial by order of Deputy-Commissioner COWAN; and not only without trial, but in disregard, as we shall presently show, of the orders of Mr. FORSYTH, the Commissioner of the Division, who had given directions that the prisoners should remain in charge of the Patiala authorities until he could send a guard to bring them to Ludiana to be tried.

* The Kookas are a Mahomedan sect, having peculiar religious tenets, who are chiefly to be met in the neighbourhood of Ludiana in the Umballa Division of the Punjaub.

To a certain extent Mr. COWAN admits this to be so ; for he states (Blue Book, p. 53) that whilst the executions were going on, and after forty-two or forty-three of the prisoners had been blown from the guns, he received a letter from Mr. FORSYTH directing him "not to execute the captured Kookas, but to keep them for trial." This was the only one, he says, that he received from that gentleman ordering him "to abstain from executing the prisoners;" but this statement, to which we will again advert, is by no means borne out by the facts. The letter, however, arrived, it appears, as the remaining six or seven of the prisoners were tied to the guns and a bugler was waiting the order to sound "the fire." On reading it, Mr. COWAN "handed it," he tells us, "to Colonel PERKINS, with the remark that it would be impossible to stay the execution of the men already tied to the guns; that such a proceeding would have the worst effect on the people around." The work had commenced at sunset, but the interruption caused by the receipt of the letter only occasioned the delay of a moment. As the sun went down the work of blood and death went on. The signal to fire was given, and the remaining batch of those who had been set apart for that day's carnage were blown from the guns.

On the 18th Mr. FORSYTH arrived at Kotla, and, notwithstanding the gross illegality of these proceedings, which he qualifies by the milder term of "informality," he confirmed the sentence which had been carried into effect, and approved of the mode of execution. "There were no arrangements," he writes (Blue Book, p. 18), "for hanging so many, and considering the circumstances of the case, and occurring in a native state (*sic*), these men were executed by Mr. COWAN by being blown from a gun—a proceeding warranted by former precedents, when large numbers of rebels were thus disposed of in 1857." There then, out of the original number of sixty-eight, remained sixteen to be "disposed of;" for one had been cut down the day before, and two others, being women, had been sent back to Patiala. These sixteen had, it appears, undergone some form of trial before the arrival of Mr. FORSYTH, and, having been found guilty, they were executed at once by his orders; but whether in the same brutal and revolting manner as the others, or by hanging, the papers do not state.

Mr. COWAN attempts to justify his conduct on the ground that the offence committed was not an ordinary one, that the circumstances under which he was placed were exceptional, and that there was a well-founded apprehension that a general rising of the whole sect was about to take place. "The prisoners," he tells us (Blue Book, p. 11), "*had not committed mere murder, or dacoity, but were open rebels offering contumacious resistance to constituted authority,*" and "to prevent the spreading of the disease, it was absolutely necessary that the repressive measures should be prompt and stern." In another letter, however (Blue Book, p. 15), while admitting that he had exercised an authority which was not vested in him, he speaks of the affair as "a miserable attempt at rebellion which had been stamped out." A miserable one, indeed, it appears to have been; for it

turns out that the whole number of those who were engaged in it *never exceeded* 125, many of whom were very imperfectly armed (some, in fact, appear to have been women), and that for crushing them with ease he had an overwhelming force at his disposal.

That the insurrection, if such it can be called, was at an end when the 68 prisoners were captured, there can be no doubt. It was suggested, however, by Mr. FORSYTH that there was reason to apprehend a general rising, because various small bodies of Kookas had been seen in the neighbourhood of Malair Kotla, who had promptly disappeared; leaving it to be inferred that they had done so in consequence of the executions. But, as the correspondence clearly shows, their disappearance was owing to another cause; for they dispersed on the 15th, that is to say, two days before the executions, and they did so, as is quite evident, in consequence of the defeat of their associates at Kotla. We have the admission, moreover, of Mr. COWAN himself that no further outbreak was apprehended; for in a letter written by him on the 21st, a quotation from which only is given in the Blue Book (p. 25), he says: "As the contingents from adjoining native States had arrived, or were close at hand, I felt confident that in the possession of such a force, and with the arrangements I hurriedly made, there was no fear of an immediate attack on Kotla, or any place in its neighbourhood." The attempt, then, at insurrection, if insurrection it were, had signally failed; the main body of those who were engaged in it were prisoners; and the force at the command of the Deputy Commissioner was amply sufficient to crush any hostile movement that might take place. There is therefore not a shadow of evidence to make the case an exceptional one, so as to justify him in his unwarrantable assumption of judicial and legislative authority, or to palliate the crime of murder of which he is unquestionably guilty.

Mr. FORSYTH's anxiety to give a colour of legality to what he calls "the over zealous proceedings" of his subordinate, whose "energy," he tells us, had been applauded in a telegram from the Lieutenant-Governor of the Punjab, frequently displays itself in the course of the Correspondence. He admits that no trial was held of the 49 who were executed; but as a substitution for it, he is quite content to accept Mr. COWAN's "assurances that all were actually present at Kotla, and if so," says he, "they were equally liable to capital punishment" (a distinction ought to be made one would think between mere presence and taking an active part), "though as regards the severely wounded," he adds, "execution ought to have been stayed." But what right had Mr. COWAN to execute these men without trial? Are his "assurances," that they were all present at the attack sufficient to satisfy the requirements of the law? Was there no difference to be made between ringleaders and followers? Were they all to be indiscriminately massacred? Mr. FORSYTH's attempt, however, to implicate the Lieutenant-Governor of the Punjab as an approver, and therefore as an accomplice like himself, in this wretched affair, is simply unfortunate. No such telegram as that to which he refers appears in the published Correspondence; and the fact that

any such was ever sent—certainly with a full knowledge of what had been done—becomes trebly doubtful in the face of the following passage in a letter from Mr. GRIFFIN, Secretary to the Punjab Government, under date the 19th of January: "The Lieutenant-Governor regrets the course taken by Mr. COWAN, Deputy Commissioner of Ludiana, on summarily executing the Kooka insurgents captured in the Patiala territory, and is of opinion that there was no such urgent necessity as to justify that officer acting without the order of the Commissioner, whose letter directing formal procedure to be employed in the trial of the insurgents appears to have reached Mr. COWAN after the execution." (Blue Book, p. 9).

The letter here referred to did however, as we have seen, reach Mr. COWAN before the executions were completed; it arrived in time to prevent the last batch from being blown from the guns, though Mr. FORSYTH, well knowing what had taken place, had the assurance to write to the Lieutenant-Governor on the 22nd, that his instructions only reached Mr. COWAN after the whole number had been "disposed of." (Blue Book, p. 22.)

We have, however, said that the executions were in disregard of Mr. FORSYTH's orders from the first, that the prisoners should be detained until they could be brought to trial; and this we now proceed to prove.

In a paper drawn up by him, which was confidentially communicated to the Viceroy and Governor-General, but which does not appear in the printed correspondence, there is the following passage: "On reaching Ludiana on the evening of the 16th, I received a letter from Mr. COWAN, expressing his desire to execute the prisoners at once. I wrote, requesting him to leave all the men caught by the Patiala authorities, in their charge, till I could send out a guard to bring them to Ludiana for trial. *This letter Mr. COWAN must have received before he executed any.*" (Blue Book, p. 48.) The same statement is also repeated by him, with further additions, in a communication to Mr. GRIFFIN, dated April the 8th. "Three letters," he there says, "were addressed by me to Mr. COWAN, on the subject of the mode of dealing with the prisoners taken at Malodh and Malair Kotla, between the time of my arrival at Ludiana on the night of the 16th, and the receipt of the news of the executions of the 17th of January. The first letter" (the one just mentioned) "was sent off on the night of the 16th. *That it arrived at its destination before the executions took place is unquestioned.* Mr. COWAN informs me that he received it on the 16th or 17th; but he, probably, in his reply will give you the exact hour of its receipt. As to the contents of that letter, it being in a semi-official form, I unfortunately kept no copy, and Mr. COWAN informs me that the original has been mislaid." (Blue Book, p. 51.)

The second letter which he mentions appears to have been the one that arrived as the executions were going on; and the third, which was to a similar effect as the two previous ones, was sent afterwards. This last is not important as carrying the matter much further; but the following extracts from it are not uninteresting: "With regard to

“your expressed desire for promptitude” (that is, for execution without trial), “the case is not sufficiently urgent to justify the abandonment of the very simple form of procedure we have at hand.”
 “My dear COWAN,” he adds, towards the conclusion, “you have done admirably, but, for Heaven’s sake, don’t let the whole fall short of success by any hasty act. A delay of twelve hours cannot produce harm, whereas illegal action may cause trouble.” (Blue Book, p. 53.)

Mr. COWAN’s answer to the statements contained in these letters is far from satisfactory. He alleged, as we have before mentioned, that he had only received one letter, directing him to reserve the prisoners for trial, and that this had arrived whilst the executions were proceeding. Mr. FORSYTH, however, distinctly asserts that the letter written by him on the 16th must have reached its destination before any of them were executed; a statement which is, in fact, confirmed by Mr. COWAN himself, for in a letter written by him to Mr. FORSYTH, some time before the 8th of April—an extract only from which is given in the Blue Book (p. 51)—he says: “I remember having received a semi-official letter from you on the 16th or 17th of January, to the effect that it would be best to keep the captured rebels in the fort of Sherpur till you could send out a force to take charge of them.” This could not have been the one which arrived during the executions, for that reached him on the 17th; indeed, he expressly acknowledges that it was not, and that he had received a previous one to the effect above stated, as will be seen from the following passage in a communication addressed by him on the 8th of April to Mr. GRIFFIN: “Earlier in the day” (that is the 17th) “before or about noon, as I was riding through the town of Kotla, a letter was put in my hands from Mr. FORSYTH, who had arrived at Ludiana late on the previous night. This note was to the effect that he had heard of the capture of the rebels, and that in the present disturbed state of the country it would be better that they should be detained in the Patiala fort of Sherpur till he could send out a sufficiently strong guard to take charge of them. The note did not contain any instructions to have them brought to trial. I put the note in my pocket, and thought no more about it. It contained only a suggestion, which could not be acted on, for the captured Kookas were then close to Kotla, on their way in.” (Blue Book, p. 53.)

He had previously said, in the same communication, that the only letter which he had received from Mr. FORSYTH, directing him not to execute the captured Kookas, arrived during the executions. It is quite clear, however, that he had received the previous one, but he attempts to reconcile the two accounts which he gives by stating that the latter did not contain any instructions to have the prisoners brought to trial. Mr. FORSYTH, on the other hand, distinctly alleges that it did; or, at all events, that it contained instructions that the prisoners should be detained until they could be brought to trial; but surely there was sufficient in it, even on Mr. COWAN’s own showing, to give him to understand that he was not to execute them; to say nothing

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of the fact that he must have been fully aware that he had no authority to do so without trial.

Again: the letter which he received at or before noon he tells us that he must have destroyed, not supposing that he should ever be called on to furnish a copy of it. "I had no conceivable motive," he writes, "for keeping it back." No motive! He had every motive for doing so. He had every motive for destroying it; just as a criminal would have who, to prevent a conviction, makes away with a document containing damnatory proof of his guilt.

The charge against Mr. COWAN of having put these forty-nine men to death without trial, and in disregard of orders to the contrary; is, therefore, amply substantiated by the evidence we have adduced; as is also that against Mr. FORSYTH of being an accessory after the fact, from a moral point of view at least, in these lawless and atrocious proceedings. The latter, indeed, deliberately confirmed them before he arrived on the spot, and therefore before he was in a position to inquire why his orders had been disobeyed; for previous to his arrival at Kotla, though he had only a short time before, in his third letter, impressed upon Mr. COWAN the necessity of avoiding illegal action for fear it might "cause trouble," he wrote to him under date Jan. 18, as follows: "My dear COWAN, I fully confirm and approve all you have done. You have acted *admirably*. I am coming out." (Blue Book, p. 53.) Nor is this all. We have seen that on his arrival he deliberately ordered sixteen more of the prisoners, who had passed through a sort of trial, to be executed; a course for which certainly no necessity existed on the score of making a further example; seeing, moreover, as appears from a report of the proceedings, that the same degree of guilt did not by any means attach to all.

To mark the sense of justice which the Government of India entertain regarding the acts of these persons—acts which, on all hands, are acknowledged to have been lawless and unwarranted—they have relieved Mr. COWAN from his office, but, to compensate him for the loss of it, have conferred upon him a pension of three hundred rupees per month; while they have rewarded Mr. FORSYTH by removing him to another appointment in Oude.

In the despatch of the Council of the Governor-General to the Duke of ARGYLL, recommending "a moderate pension" to Mr. COWAN, reference is made to "the meritorious and faithful services" of that gentleman during a period of twenty-three years. In the present case, it said, that there could be no doubt that he had "acted sincerely" and zealously in accordance with what he erroneously believed to "be the urgent demand of public duty." This, observe, was in reference to acts which would have sent him, if tried by a criminal court, to the gallows. "*There was no offence,*" it adds, "*against the rules of morality or rectitude. It was his misfortune,*" &c. &c.

In the document, it may be remarked, there is no allusion whatever to the system of blowing offenders from the cannon's mouth. But this mode of punishment having been established by "precedent" and sanctioned by "public opinion," may perhaps now be regarded as

a settled and constituted regulation. It was in fact formally approved of with acclamation by the House of Commons in 1857 when Mr. RICHARDSON, the then Member for Lisburne, moved for a return of all who had been shot from guns during the Indian Mutiny, under whose orders the executions had taken place, and whether the practice of punishing offenders in this manner was in accordance with the rules of military discipline in India. The Motion fell to the ground for want of a seconder; nor was any answer given to the question: *a result which was received with loud cheers from all parts of the House!*

The facts we have just related are in themselves too plain to require any comment; and, therefore, for any one who on reading them does not at once feel horrified and indignant, comment would appear to be useless. Nevertheless, we must try to place some considerations before those who may be more puzzled in their minds than depraved in their morals with regard to these matters.

We could not have a case in which the shedding of blood is brought home more clearly to one particular individual. The man who causes sixty-five of his fellow-creatures to be put to death in cold blood and in the most revolting manner is not considered to be a murderer, although, had he put one man to death under other circumstances he would have been so considered. In the one case he receives a pension, and is distinctly exonerated from "all offence against the rules of "morality or rectitude;" in the other he receives a felon's cell and a murderer's shameful end.

It is now, therefore, laid down in the most formal manner that men in a position of authority cannot be guilty of a crime in the exercise of that authority; that whatever may be the nature of their acts they can only be censured for a want of judgment. In other words, the public servants of the State are not under the control of the law. This maxim is accepted at the present moment as applicable to every part of the British dominions except the British Isles themselves, as we learn from the case which occurred two or three years ago in Jamaica; a case to which the attention of the public has been lately recalled in the most shameless manner by Government, who have recently asked for and obtained from the House of Commons compensation out of the public purse for ex-Governor EYRE, the murderer of Mr. GORDON and of many others.

We say, "except the British Isles;" because here a contrary maxim prevails, though an equally lawless one.

Mr. COWAN, it will be observed, seeks to justify his execution of the Kooka prisoners without trial on the ground that they had not committed "mere murder," but were "guilty of resistance to constituted authority;" that is to say, they were Asiatic Fenians—they were guilty of "a political offence" only. That which in England and Ireland is held not to be a crime, but only a "misfortune"—to use the words of the Council of the Governor-General, as applied to the murder of the Kookas—is therefore in India a crime far worse than murder, and only to be expiated by blood.

But putting aside the considerations of morality and justice, the case

has to be considered in reference to our retention of India and Ireland; and that case consists not in events that occur, but in opinions that are expressed. By the double illegality of granting impunity to men in office for criminal acts which they commit as such, and of refusing to recognise crime in private individuals when they break the law of the land, not merely in wronging their neighbours, but in attacking the existence of the State itself, we shall lose both India and Ireland. Do we suppose that the natives of India are not human beings like ourselves to resent bloodthirsty injustice? Do we think that treason is not fostered by showing a disposition that we are afraid to deal with it as such, and by drawing distinctions between "political" and "moral" offences? The ferocity in the one case and the weakness in the other will both meet with their due reward. Base and miserable fear is, indeed, the prevailing motor in both.

These ideas, which now seem perfectly natural to us, are but of yesterday. The blowing away from guns was the fruit of the Indian Mutiny, which we had ourselves provoked, and yet a question concerning the origin of this new mode of execution could not be put in the House of Commons! Talk of the Commune of Paris and the execution of the hostages, after the scenes in India and the approving cheers of English "gentlemen" in the House of Commons!

That it may be seen, however, that we do not speak idly and without grounds when we say that but a few years have witnessed the change amongst us in respect to the guilt which attaches to those in authority, who make use of their power to violate the law, we have only to refer our readers to the case of Governor WALL, which will be found amply detailed in the twenty-eighth volume of the State Trials. The facts of it were these:—

Whilst Governor of Goree, in 1782, he ordered a black soldier, BENJAMIN ARMSTRONG, to receive 800 lashes on a pretended charge of mutiny. No mutiny had, however, taken place; there had been nothing, in fact, which could be so characterised even in its widest sense. The sentence, moreover, was without any trial by Court Martial or otherwise; and it was carried into effect with the utmost rigour. The unfortunate man received the full complement of 800 lashes, not from the ordinary cat-o'-nine-tails, but from a rope one inch in diameter; and such was the severity of the injuries he received that he died a few days afterwards.

For this crime Governor WALL was arrested on his arrival in England two years afterwards; but he managed to effect his escape from the messengers who had him in custody. In 1802, that is to say eighteen years after his return to this country, and twenty years after the death of ARMSTRONG, he was again arrested, and on being tried at the Old Bailey for murder he was found guilty and sentenced to be hanged; which sentence was afterwards carried out on the 2nd of July in that year, amid the hootings and execrations of an immense crowd of spectators.

The difference indeed between public and private men appears to be this: that the private man can do whatever is not *forbidden* by the law; while the man in authority can do absolutely nothing beyond

what the law *allows* him to do, for he acts by a power conceded to him and vested in him for the purpose of executing the law.

In a well-ordered community, or for a well-regulated mind, the first and necessary condition is that of the strictest supervision over those who are holders of such delegated authority, and these may be well excused if lenient to the guilt of private and small malefactors. The counterpart of that condition is what we see around us; rancour for the petty felon, condonement, if not applause, for the wholesale assassin.

It was a remark well worth recording to the honour of the late Bishop of EXETER that the most frightful character of our age was "indifference to the crimes of the great."*

That which has enabled the Ottoman Empire to live through the period of its vicissitudes has been that fundamental sense; punishment for the crimes of the great.

Our public life is a mere life of felony.

Our *political life* is a contest for the acquiring of the faculty of committing felony.

Our public opinion is a chorus of strophe and antistrophe in its praise.

Our private character is a substitution of wrong for right.

The business of such a publication as ours is not the bringing of public felons to the bar of public justice, but the endeavour to institute a bar of common sense and public-mindedness in some, so that hereafter hands may be found again to wield the sword of public justice; or that at all events a clue of tradition may remain to connect the great who have been with their possible successors who may arise.

This endeavour is the business of every day, for not a day passes without a crime.

"The School of Public Law," as we have been called across the Channel is not one for the mere enunciation of the Ten Commandments. It is one in which each member has to carry on a daily struggle against the felony of his government and the baseness of each of his fellow subjects.

E. F. H.

The Necessity for Europe to return to the Law of Nations.

(From the Polish journal, the "*Czas*," November 8, 1872.)

I.

SIR,

I have read with some attention the last manifesto of the German bishops assembled at Fulda on the 20th of September last; and from reading it I have arrived at the conclusion that it is more imperiously necessary than ever for Europe to return to the Law of Nations, if she does not wish to see the closing stone placed over the abyss at the bottom of which she lies at the point of death.

* He said this in reference to the Affghan War.

25-

EAST INDIA (KOOKA OUTBREAK).

RETURN to an Address of the Honourable The House of Commons,
dated 22nd July 1872 ;—for,

“ COPY of CORRESPONDENCE, or EXTRACTS from CORRESPONDENCE, relating
to the KOOKA OUTBREAK.”

India Office,
26 July 1872. }

ARTHUR F. HOBHOUSE,
For SIR HENRY ANDERSON,
Secretary, Judicial Department.

(*Mr. Kinnaird.*)

Ordered, by The House of Commons, to be Printed,
1 August 1872.

C O N T E N T S.

From	To	Date.	Page.
Government of India - - -	Secretary of State for India -	19 Jan. 1872 (No. 7) -	3
Telegram, Secretary to Govern- ment, Punjab.	Home Secretary, Calcutta -	15 Jan. " (No. 1) -	3
Telegram, Viceroy - - -	Lieutenant Governor, Punjab -	16 Jan. " (No. 2) -	4
Telegram, Lieutenant Governor, Punjab.	Viceroy - - - - -	16 Jan. " (No. 3) -	4
Telegram, Viceroy - - -	Lieutenant Governor, Punjab -	16 Jan. " (No. 4) -	4
Telegram, Deputy Commis- sioner, Ludiana.	Home Secretary, Calcutta -	16 Jan. " (No. 5) -	4
Telegram, Secretary to Govern- ment, Punjab.	- - ditto - - - - -	16 Jan. " (No. 6) -	4
Ditto - - - - -	- - ditto - - - - -	17 Jan. " (No. 7) -	4
Telegram, Mr. Cowan - - -	- - ditto - - - - -	17 Jan. " (No. 8) -	5
Telegram, Secretary to Govern- ment, Punjab.	- - ditto - - - - -	17 Jan. " (No. 9) -	5
Ditto - - - - -	- - ditto - - - - -	18 Jan. " (No. 10) -	5
Ditto - - - - -	Home Secretary, Calcutta; also to Magistrate, Allahabad, and Secretary to Government, North Western Provinces.	18 Jan. " (No. 11) -	5
Ditto - - - - -	Home Secretary - - - - -	18 Jan. " (No. 12) -	5
Ditto - - - - -	- - ditto - - - - -	18 Jan. " (No. 13) -	5
Telegram, Viceroy - - -	Lieutenant Governor - - -	19 Jan. " (No. 14) -	6
Government of India - - -	Secretary of State - - -	2 Feb. " (No. 9) -	6
Telegram, Secretary to Govern- ment, Punjab.	Home Secretary, Calcutta -	19 Jan. " - - -	6
Ditto - - - - -	- - ditto - - - - -	19 Jan. " - - -	6
Telegram, Lieutenant Governor, Punjab.	Viceroy - - - - -	19 Jan. " - - -	7
Officiating Secretary to Govern- ment, Punjab.	Secretary to Government of India.	16 Jan. " (No. 9 c) -	7
Telegram, Deputy Commis- sioner, Ludiana.	Secretary to Government, Delhi	16 Jan. " - - -	7
Ditto - - - - -	Commissioner, Umballa -	16 Jan. " - - -	8
Telegram, Assistant to Inspector General of Police, Lahore.	Inspector General, Delhi -	16 Jan. " - - -	8
Telegram, Deputy Commis- sioner, Nalankallee.	Secretary to Government -	16 Jan. " - - -	8
Officiating Secretary to Govern- ment, Punjab.	- - ditto - - - - -	17 Jan. " (No. 15 c) -	8
Secretary to Government of India.	Officiating Secretary to Govern- ment, Punjab.	22 Jan. " (No. 103) -	8
Officiating Under Secretary to Government of India.	Magistrate, Allahabad -	22 Jan. " (No. 103) -	8
Telegram, Home Secretary, Cal- cutta.	Lieutenant Governor, Punjab -	22 Jan. " - - -	8
Officiating Secretary to Govern- ment, Punjab.	Secretary to Government of India.	17 Jan. " (No. 16 c) -	9
Mr. Cowan - - - - -	Commissioner, Umballa -	16 Jan. " (No. 14) -	9
Officiating Secretary to Govern- ment, Punjab.	Secretary to Government of India.	19 Jan. " (No. 23 c) -	9
Commissioner, Umballa - - -	Secretary to Government, Pun- jab.	17 Jan. " - - -	10
Mr. Cowan - - - - -	Commissioner, Umballa -	16 Jan. " - - -	11
Commissioner, Umballa - - -	Mr. Cowan - - - - -	17 Jan. " - - -	11
Ditto - - - - -	Secretary to Government, Pun- jab.	18 Jan. " - - -	12
Demi-Official Letter from Captain Menzies	- - - - -	18 Jan. " - - -	12
Special Report of Crime, Ludiana District, on 17th January 1872	- - - - -	- - - - -	13
Officiating Secretary to Govern- ment, Punjab.	Secretary to Government of India.	20 Jan. " (No. 24 c) -	14
Deputy Commissioner, Ludiana	Commissioner, Umballa -	17 Jan. " (No. 15) -	14

From	To	Date.	Page.
Mr. Cowan - - - -	Commissioner, Umballa -	17 Jan. 1872 (No. 16)	16
Secretary to Government of India.	Secretary to Government, Punjab.	24 Jan. " - -	16
Telegram, Secretary to Punjab Government.	Home Secretary, Calcutta -	22 Jan. " - -	17
Government of India - -	Secretary of State - - -	2 Feb. " (No. 12)	17
Telegram, Punjab Government	Home Secretary, Calcutta -	21 Jan. " - -	17
Ditto - - - -	- - ditto - - - -	23 Jan. " - -	17
Officiating Secretary, Punjab Government.	Secretary to Government of India.	23 Jan. " (No. 20c)	17
Commissioner, Umballa - -	Secretary to Punjab Govern-ment.	19 Jan. " - -	17
Mr. Cowan - - - -	- - - - -	19 Jan. " - -	19
Commissioner, Umballa - -	Secretary to Punjab Govern-ment.	20 Jan. " - -	19
Officiating Secretary to Punjab Government.	Secretary to Government of India.	26 Jan. " (No. 26c)	21
Commissioner, Umballa - -	Secretary to Punjab Govern-ment.	23 Jan. " (No. 27)	21
Mr. Cowan - - - -	Commissioner, Umballa -	21 Jan. " - -	23
Commissioner, Umballa (Letter of Instructions).	Mr. Cowan - - - -	17 Jan. " - -	23
Telegram, Deputy Commis-sioner.	Secretary, Malodh - - -	16 Jan. " - -	23
Telegram, Commissioner, Lu-diana.	Secretary - - - -	17 Jan. " - -	24
Telegram, Secretary to Govern-ment.	Commissioner, Ludiana -	- - - - -	24
Telegram, Commissioner, Lu-diana.	- - - - -	- - - - -	24
Government of India - -	Secretary of State - - -	16 Feb. 1872 (No. 14)	24
Telegram, Secretary, Punjab Government.	Home Secretary, Calcutta -	29 Jan. " - -	24
Telegram, Home Secretary, Cal-cutta.	Secretary to Punjab Govern-ment.	4 Feb. " - -	24
Secretary to Government of India.	- - ditto - - - -	8 Feb. " (No. 289)	24
Government of India - -	Secretary of State - - -	16 March " (No. 17)	26
Ditto - - - -	Ditto - - - -	2 May " (No. 28)	26
Officiating Secretary to Punjab Government.	Secretary to Government of India.	7 Feb. " (No. 59c)	26
Ditto - - - -	Ditto - - - -	12 Feb. " (No. 72c)	28
Mr. Cowan - - - -	Commissioner, Umballa -	9 Feb. " - -	28
Officiating Secretary to Punjab Government.	Secretary to Government of India.	14 Feb. " (No. 76c)	29
Forwarding the proceedings in the trial of Kookas.	- - - - -	- - - - -	47
Secretary to Government of India.	Officiating Secretary to Govern-ment, Punjab.	22 Mar. 1872 (No. 589)	48
Officiating Secretary to Punjab Government.	Secretary to Government of India.	15 March " (No. 914)	48
District Superintendent of Po-lice, Ludiana.	Deputy Inspector General of Police, Umballa.	6 Feb. " (No. 56)	49
Officiating Secretary to Punjab Government.	Secretary to Government of India.	11 April " (No. 1270)	50
Commissioner, Umballa - -	Officiating Secretary to Punjab Government.	8 April " (No. 153)	50
Ditto - - - -	Officiating Deputy Commis-sioner, Ludiana.	17 Jan. " - -	53
Mr. Cowan - - - -	Officiating Secretary to Punjab Government.	8 April " - -	53
District Superintendent of Po-lice, Ludiana.	Officiating Under Secretary to Punjab Government.	5 April " - -	54
Secretary to Government of India.	Secretary to Punjab Govern-ment.	30 April " (No. 857)	54
Government of India - -	Secretary of State for India -	3 May " (No. 151a)	59
Secretary of State for India -	Government of India - -	18 July " (No. 39)	60

**COPY of CORRESPONDENCE, or EXTRACTS from CORRESPONDENCE,
relating to the KOOKA OUTBREAK.**

(No. 7 of 1872.)

From Government of India to Her Majesty's Secretary of State for India.

My Lord Duke,

Fort William, 19 January 1872.

WE enclose for your Grace's information a copy of the telegrams noted in the annexed list, regarding certain disturbances created by bodies of Kookas in the Ludiana district of the Punjab.

2. Two attacks were committed by these men: one, by a body said to be 200 strong, on Malodh Fort, during the night of the 14th January; the other, probably by the same body, though estimated at 500 in number, on Malair Kotlah, on the morning of the 15th. Both attacks were repulsed.

3. In compliance with the application of the Deputy Commissioner of Ludiana, a strong military force was promptly despatched to his aid from Delhi and Julundur. Meanwhile, the Maharajahs of Patiala, Nabha, and Jheend, rendered prompt assistance, and about 100 Kookas, who were concerned in the attack on Kotlah, have been killed, wounded, or captured, including their two leaders, Lehna Singh and Heera Singh. The Deputy Commissioner telegraphs, under date the 17th instant, that tranquillity has been restored.

4. The leader of the Kooka sect, Gooroo Ram Singh, was at once ordered into Delhi by the Lieutenant Governor, and has since been sent, with two of his lieutenants, under a guard to Allahabad.

5. These are the only particulars we have yet received, but inquiries are in progress as to the causes which occasioned, and the persons who were engaged in, these outrages. It is conjectured, however, that the object of the Kookas, in their attacks on Malodh and Kotlah, was to procure arms.

6. We await the receipt of a full report from the Lieutenant Governor, and we shall forward it to your Grace as soon as possible.

TELEGRAMS.

(1.)

TELEGRAM, dated the 15th January 1872.

From Secretary to Government, Punjab, Delhi, to Home Secretary, Calcutta.

DEPUTY Commissioner, Ludiana, telegraphs the following:

"Two hundred Kukas attacked Malodh Fort last night, wounded Surdar Buddan Singh, and killed two men. One Kuka killed, and two captured. I go out at once. Particulars by post."

The crime shows great boldness on part of Kukas.

CORRESPONDENCE RELATING TO

(2.)

TELEGRAM, dated the 16th January 1872.

From Viceroy to Lieutenant Governor of the Punjab.

YOUR telegram of yesterday received. It is very desirable that the most experienced officer available should be sent to the spot to inquire into the matter.

It is of the utmost importance that the whole facts of the case should be thoroughly sifted and ascertained without delay, so that there can be no possible chance of the Government being misinformed as to the causes which occasioned, and the persons engaged in, this most serious outrage.

(3.)

TELEGRAM, dated the 16th January 1872 ; 11.50 A.M.

From Lieutenant Governor of Punjab, Delhi, to the Viceroy.

ATTACK on Malodh by Kukas, already reported, was followed next morning by one on Malair Kotla. Seven inhabitants thereof killed; numbers of Kukas, 500.

In compliance with requisition of Deputy Commissioner of Ludiana for troops, one regiment Native Infantry, wing of Europeans, detachment of Cavalry, leave this morning for Khanna, between Umballa and Ludiana.

Deputy Commissioner has since telegraphed that a great number of Kukas have been surrounded at Malair Kotla, and that he has got cavalry from Nawab, but I have not stopped troops going.

Following on antecedents, these outrages show incorrigible conspiracy in leaders of sect. Country not safe whilst leaders at large. I have therefore authorised Forsyth to effect capture of Ram Singh and principal Soobahs. Report by post.

(4.)

TELEGRAM, dated the 16th January 1872 ; 4 P.M.

From Viceroy to Lieutenant Governor of Punjab, Delhi.

YOUR action entirely approved. We shall be anxious to hear further particulars.

(5.)

TELEGRAM, dated the 16th January 1872.

From Deputy Commissioner, Ludiana, Malodh, to Home Secretary, Calcutta.

16th January 1872.—THE inquiry progresses. The whole facts, and I hope the names of all engaged, will be discovered. I go on to Kotla to-night or to-morrow. It is not known yet with certainty where the Kuka rebels are.

(6.)

TELEGRAM, dated the 16th January 1872.

From Secretary to Government, Punjab, Delhi, to Home Secretary, Calcutta.

16th.—DEPUTY Commissioner, Ludiana, telegraphs to-day: "The inquiry progresses. The whole facts, and I hope the names of all engaged, will be discovered. I go on to Kotla to-night or to-morrow. It is not known yet with certainty where the Kuka rebels are."

(7.)

TELEGRAM, dated the 17th January 1872.

From Secretary to Government, Punjab, Delhi, to Home Secretary, Calcutta.

COMMISSIONER telegraphs from Ludiana, 16th: "The European companies from Julundur have arrived. All quiet here. Seventy Kukas, very severely wounded, after
Kotla

057

THE KOOKA OUTBREAK.

5

Kotla fight, were seized at Sherpur, in Patiala territory; probably these are all. Former number evidently exaggerated by native reports. Ram Singh was with Cowan to-day, and has now been sent for to come in here."

(8.)

TELEGRAM, dated the 17th January 1872.

From Cowan, Deputy Commissioner, Kotla, to Home Secretary, Calcutta.

TRANQUILLITY restored. About 100 Kukas killed, wounded, or captured. Patiala, Nabha, and Jheend giving active assistance.

(9.)

TELEGRAM, dated the 17th January 1872.

From Secretary, Punjab Government, to Home Secretary, Calcutta.

DEPUTY Commissioner telegraphs from Kotla 16th: "Tranquillity restored. About 100 Kukas killed, wounded, or captured. Patiala, Nabha, and Jheend giving active assistance."

(10.)

TELEGRAM, dated the 18th January 1872.

From Secretary, Government, Punjab, Delhi, to Home Secretary, Calcutta.

MAHARAJAH telegraphs following:

"Yesterday, 16th, at 11 morning, Sayad Nyaz Alli, my Naib Nazim of Omergurb, arrested with only a few men with him, with great courage, 68 Kukas who made disturbance at Kotla and Mulodh. Among them there are 29 wounded men. Heera Singh and Lehna Singh, their leaders, have also been apprehended. More by dāk."

(11.)

TELEGRAM, dated the 18th January 1872.

From Secretary, Punjab Government, to Home Secretary, Calcutta; Magistrate, Allahabad; and Secretary, Government, North Western Provinces.

RAM SINGH, Kuka leader, with Lukka Singh and Saheb Singh, his lieutenants, forwarded to Allahabad, under charge of European officer and Gurka guard by this morning's train.

(12.)

TELEGRAM, dated the 18th January 1872.

From Secretary, Government, Punjab, to Home Secretary.

AT Kotla, on 17th instant, 49 of the men who had attacked Malodh were blown away from guns by the Deputy Commissioner. The circumstances under which this was done are not yet clearly known, but explanation has been called for from Commissioner. The other Kuka leaders have been arrested.

(13.)

TELEGRAM, dated the 18th January 1872.

From Secretary, Government, Punjab, to Home Secretary.

AT Malodh two Kukas killed, four wounded, and five captured; 68 captured in Patiala territory, of whom 29 were wounded, others since captured. No Government troops were engaged.

356.

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CORRESPONDENCE RELATING TO

engaged. At Malodh Surdar lost two men killed and two wounded. At Kotla the Kotwal was killed fighting gallantly; seven men also killed and 15 wounded. Quiet restored.

(14.)

TELEGRAM, dated the 19th January 1872; 1 P.M.

From Viceroy to Lieutenant Governor.

Clear the Line.—Stop any summary execution of Kukas without your express orders.

(No. 9 of 1872.)

From Government of India to Her Majesty's Secretary of State for India.

My Lord Duke,

Fort William, 2 February 1872.

IN continuation of our Despatch No. 7, dated the 19th January, we transmit for your Grace's information a copy of further papers, as noted in the annexed list, regarding the recent outrages committed by bodies of Kookas at Malodh and Malair Kotlah, in the Ludiana District of the Punjab.

* Letter from Punjab, No. 9 c, dated 16 January 1872.
† See enclosure of letter from Punjab, No. 23 c, dated 19 January 1872.

2. In accordance with the recommendation of the Punjab Government,* and under the circumstances so fully explained by Mr. Forsyth, the Commissioner of the Ambala Division,† we have issued warrants under Regulation III. of 1818 for the detention in custody in the Allahabad gaol of the Kooka Goroo Ram Singh, and of 10 of his most influential subahs.

3. While fully acknowledging the promptitude and vigour with which the local officers acted on the first intelligence of the disturbances, we regret we have been obliged to question the propriety of the ulterior proceedings of Mr. Cowan, Deputy Commissioner of Ludiana. We have, you will perceive, ordered his suspension, pending full inquiry into his conduct, in summarily executing the Kooka insurgents captured in the Patiala Territory.

TELEGRAM, dated the 19th January 1872.

From Secretary to Government, Punjab, Delhi, to Home Secretary, Calcutta.

THE following from Commissioner, 19th: "All at present known to have been concerned in attack on Kotla have been captured and convicted. Fifty were executed yesterday by Cowan, among them Heera Singh and Lehna Singh, subahs. Sixteen are now to be executed. Four made over to Patiala for punishment. Seven Kookas caught at Malodh, being in British territory, will be tried there by me to-morrow, and case sent to Chief Court immediately. No direct evidence against Ram Singh in this case sufficient to put him on his trial. Colonel Gough and detachment of cavalry here. Perfect tranquillity. Cowan's prompt action deserves praise. Patiala, Jheend, and Nabha gave signal help."

TELEGRAM, dated the 19th January 1872.

From Secretary to Government, Punjab, Delhi, to Home Secretary, Calcutta.

FOLLOWING telegram from Ludiana: "Sixteen more executed yesterday at Kotla by Commissioner. Four made over to Patiala. Seven, who were captured at Malodh, undergo regular trial to-day. Baillie still at Bhainee, which he has cleared of all males. One hundred and seventy-two, who came in yesterday afternoon and were sent off by me in parties to respective districts, except fifty, who, having no regular residence but Bhainee, are here in custody waiting Commissioner's orders. Smith from Lahore will take down Kahn Singh, and other subahs, to Allahabad this afternoon."

053

THE KOOKA OUTBREAK.

7

TELEGRAM, dated the 19th January 1872.

From Lieutenant Governor, Punjab, Delhi, to Viceroy, Calcutta.

YOUR telegram. Mr. Cowan's executions were followed yesterday by sixteen more, deliberately ordered by Forsyth after reaching Maler Kotla. Kookas arrested in British territory will be regularly tried. No more summary executions will take place.

From *L. H. Griffin, Esq.*, Officiating Secretary to the Government of the Punjab, to *E. C. Bayley, Esq.*, C.S.I., Secretary to the Government of India (No. 9 C.); dated Delhi, the 16th January 1872.

I AM directed by the honourable the Lieutenant Governor to forward copies of telegrams, the purport of which has already been communicated to his Excellency the Viceroy.

2. It will be seen that on the night of the 14th an attack was made by a party of Kookas, estimated at 200, on the Fort of Malodh, situate about 20 miles south of Ludiana, belonging to the Malodh Sirdars, Sikh chiefs of approved loyalty and service. One or two casualties occurred on either side, and the son of Sirdar Mith Singh, by name Badan Singh, a Jageerdar magistrate, was wounded. The object of the attack was presumably to obtain arms, but no details have yet been received. On receipt they will be at once communicated.

3. The next morning a larger force of Kookas, 500 in number, attacked the fort of the large town of Kotlah, capital of the Mahomadan State of Maler Kotlah, about 30 miles south of Ludiana. Some seven or eight persons were killed by the assailants, who appear to have been beaten off with some casualties. A telegram from Lahore mentions that thousands of Kookas are assembling in the neighbouring villages to re-attack. This statement is probably exaggerated, and this morning the Deputy Commissioner of Ludiana reports that two Kookas were killed and four captured, while a large number has been surrounded at Katta, which may be a mis-spelling for Kotla.

4. On the news of the attack on Malodh, the Lieutenant Governor at once deputed Mr. T. D. Forsyth, C.B., Commissioner of the Amballa Division, to Ludiana, to report at once the measures advisable to adopt; but before the departure of the train, the second report of the attack on Maler Kotla was received.

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6. The honourable the Lieutenant Governor at once conferred with his Excellency the Commander in Chief, and it was arranged that the 1st Gurkhas, a wing of the 72nd Regiment, and a mule battery, should proceed to Khanna, the nearest station to Kotla, to act under the orders of General Tytler, commanding the Umballa Division, where necessary. A troop of the 12th Bengal Cavalry accompanied them. Ludiana, which is now unprotected, will be strengthened by three companies of the 54th Foot from Julunder, and a half-battery of Royal Artillery.

7. The Lieutenant Governor has directed the arrest of Ram Singh and of his principal and most influential subahs—Sahib Singh, Rur Singh, Lakka Singh, Kahn Singh, Brahma Singh, Jowahir Singh, Malak Singh, Man Singh, and Hukma Singh. The arrest of Ram Singh will be effected as rapidly as possible, the details of the capture being arranged by General Tytler, in communication with the Commissioner of the division.

8. The men above named, if arrested, will be at once forwarded to Allahabad, as his Honor does not consider it advisable to retain them in the Punjab. Regarding their future destination, the Lieutenant Governor will make further recommendations, but he now requests the issue by his Excellency the Viceroy and Governor General in Council of warrants, under Regulation III. of 1818, against all the men above mentioned.

9. So little information has been received as yet that it is difficult to form any conclusions as to the course the Kookas are now likely to adopt. The honourable the Lieutenant Governor, however, has every hope that the measures taken by him will restore confidence and tranquillity to the country at once. He is convinced of their necessity, and trusts that they may receive the full concurrence of his Excellency the Viceroy.

TELEGRAM, dated the 15th January 1872.

From the Deputy Commissioner, Ludiana, to the Secretary to Government, Delhi.

TWO HUNDRED Kookas attacked Malodh Fort last night, wounded Sirdar Buddun Singh, and killed two men. One Kooka killed and two captured. I go out at once. Particulars by post.

CORRESPONDENCE RELATING TO

TELEGRAM, dated the 16th January 1872.

From the Deputy Commissioner, Ludiana, to the Commissioner of Umballa.

MALER KOTLAH attacked by 500 Kookas this morning. Eight or ten killed. Send troops sharp.

TELEGRAM, dated the 16th January 1872.

From the Assistant to Inspector General of Police, Lahore, to the Inspector General, Delhi.

DISTRICT Superintendent, Ludiana, reports that 200 Kookas attacked Maler Kotlah Fort. Few killed and wounded both sides. Thousands are assembling in neighbouring villages to re-attack. Civil officer informed Government.

TELEGRAM, dated the 16th January 1872.

From the Deputy Commissioner, Molankallee, Ludiana District, to Secretary to Government.

DON'T send troops. I have sent for some cavalry from Nawab. Two Kookas killed, and four captured at Madondhi. A great number surrounded at Katta.

Confidential, from *L. H. Griffin, Esq.*, Officiating Secretary to the Government of the Punjab, to *E. C. Bayley, Esq., C.S.I.*, Secretary to the Government of India (No. 15 C.); dated Delhi, the 17th January 1872.

I AM desired by the Honourable the Lieutenant Governor to request that the name of Pahara Singh, omitted by mistake from my letter, No. 9 c., of yesterday, may be added to those of the Kuka leaders for whom warrants are required under Regulation III. of 1818.

From *E. C. Bayley, Esq., C.S.I.*, Secretary to the Government of India, to *L. H. Griffin, Esq.*, Officiating Secretary to the Government of the Punjab (No. 102); dated the 22nd January 1872.

I AM directed to acknowledge the receipt of your letters No. 9 c. and 15 c., dated respectively the 16th and 17th instant, reporting particulars connected with the attacks made by certain Kukas on the Fort of Malodh and Kotla; and in reply I am desired to state that the Governor General in Council is pleased to approve the action taken by the Honourable the Lieutenant Governor.

2. Warrants of custody under Regulation III. of 1818, against Ram Singh and his subahs (named in your letters) have been sent direct to the magistrate of Allahabad.

From *W. M. Souttar, Esq., M.A.*, Officiating Under Secretary to the Government of India, to the Magistrate of Allahabad (No. 103); dated the 22nd January 1872.

I AM directed to enclose 11 warrants of custody issued under Regulation III. of 1818, against the Kooka leader, Ram Singh, and certain of his influential associates, who have been sent by the Punjab Government to Allahabad.

TELEGRAM, dated the 22nd January 1872.

From Home Secretary, Calcutta, to Lieutenant Governor, Punjab, Delhi.

WARRANTS against Ram Singh and followers sent by post to Allahabad.

THE KOOKA OUTBREAK.

653
9

From *L. H. Griffin*, Esq., Officiating Secretary to the Government of the Punjab, to *E. C. Bayley*, Esq., C.S.I., Secretary to the Government of India (No. 18 C.); dated Delhi, the 17th January 1872.

IN continuation of my letter, No. 9 C., of yesterday, I am desired to forward, for information, copy of the first detailed report received from the Deputy Commissioner of Ludianah on the recent outbreak of the Kookas.

From *L. Cowan*, Esq., Deputy Commissioner, Ludianah, to the Commissioner, Umballa Division (No. 14); dated the 15th January 1872.

LATE on the night of the 13th instant, Surfraz Khan, Deputy Inspector of Police at Sanehwal, came in and reported that, on the same day, a gang of about 100 Kookas of the Patiala State who had gone to Bhainee to be present at the "Maghee" Mela held there, a small gathering (at which probably 500 persons assembled) had worked themselves into a state of frenzy, and declared that they would be revenged for the death of Gyancee, a culprit who was hanged at Ludianah last month. Surfraz Khan was present at Bhainee when this occurred. He stated to me that Ram Singh, the leader of the Kookas, went up to these men with a turban round his neck, and entreated of them not to create a disturbance; that they would not listen to him; and that Ram Singh then came to the Deputy Inspector, and reported to him that these men were up to mischief, and that he had no control over them. This occurred about 2 p.m. on the 13th. Ram Singh named Heera Singh and Lena Singh of Sukroudee, in the Patiala State, as the leaders of the gang. Soon after this gang left Bhainee, and the Deputy Inspector, notwithstanding the gravity of the report made to him, thought it sufficient to tell off a serjeant of police to see the gang out of our territory. The serjeant returned a few hours afterwards, and reported that the gang had entered the Patiala State and had gone in direction of Rampoor. Not till then did the Deputy Inspector come into Loodianah with a report of the affair. I should mention that the Kookas are said to have declared their intention of proceeding to Muler Kotla.

2. I immediately warned the Vukils of Patiala and Kotla, and noticed to the District Superintendent of Police the gross negligence of the Deputy Inspector in not having had this gang followed up and watched.

3. Information has just reached me that last night, about 7 p.m., a gang of 200 Kookas attacked the residence of Surdar Badan Singh at Malodh, wounded the Surdar and killed two men, and carried off two or three horses. Of the attacking party 10 are said to have been mounted. In this affair one of the attacking party was killed, and two have been captured; Surdar Badan Singh is related to the Maharaja of Patiala, and it is probably in revenge for the assistance rendered by the Maharaja in the butcher murder case that this attack has been made on his relative. If it be true that some of Surdar Badan Singh's horses have been carried off, this is not a pleasant feature, for it denotes that some other atrocity is in contemplation. I go out at once to Malodh to make inquiry into this case, and shall report to you all that I discover.

P.S.—Intimation has been sent to the Maharaja of Patiala by letter and telegram, informing him that Heera Singh and Leena Singh of Sukroudee are the reported leaders, and asking him to have them captured and give assistance.

I have summoned Ram Singh and his chief subahs to Malodh to make such inquiries as will, I hope, lead to the identification of all concerned.

From *L. H. Griffin*, Esq., Officiating Secretary to the Government of the Punjab, to *E. C. Bayley*, Esq., C.S.I., Secretary to the Government of India (No. 23 C.); dated Camp Delhi, the 19th January 1872.

I HAVE the honour to forward herewith copies of letters from Mr. T. D. Forsyth, C.B., Commissioner of the Ambala Division, dated 17th and 18th instant, with annexures; and copy of a demi-official letter dated 18th, from Captain Menzies, Deputy Inspector General of Police; also a special report dated 17th, from Lieutenant Colonel E. Perkins, District Superintendent of Police, Ludiana District, on the subject of the Kooka outbreak.

2. The Honourable the Lieutenant Governor observes that the action taken by him, when the first news reached him by telegraph of the desperate attacks on Malodh and Muler Kotla, in sending to the scene of disturbance sufficient troops to restore order, and in deporting the head of a sect which had proved itself dangerous to the public safety, has been entirely approved by his Excellency the Viceroy; and his Honor the Lieutenant Governor has received this expression of his Excellency's approval with much satisfaction.

3. The Lieutenant Governor regrets the course taken by Mr. Cowan, Deputy Commissioner of Ludiana, in summarily executing the Kooka insurgents captured in Patiala territory,

territory, and is of opinion that there was no such urgent necessity as to justify that officer acting without the orders of the Commissioner, whose letter directing formal procedure to be employed in the trial of the insurgents appears to have reached Mr. Cowan after the executions.

4. The position of the Deputy Commissioner was, however, peculiar. He was in a Native State, some distance from the officer to whom he had to look for instructions, and no doubt believed that the outbreak was of such a character, and likely to excite the sympathies and active co-operation of so large and powerful a sect, that it was necessary to take action promptly before it had grown to any formidable dimensions. The Commissioner, Mr. Forsyth, considers that the action of the Deputy Commissioner deserves praise, and has himself at Kotla executed, after formal trial, 16 more of the men implicated.

5. The Lieutenant Governor is aware that all the men implicated in murder, rebellion, and the most savage attacks on the towns of Malodh and Maler Kotla were liable to the punishment of death in ordinary course of law. He is also aware that any success, however temporary, obtained by the insurgents, would probably have been followed by risings of the Kookas in other districts; but he is still of opinion that there was undue haste in the executions, while policy would not have required, as an example, so large a number of capital punishments. At the same time the position of an officer, alone and acting upon his own responsibility, when naturally excited by the enormity of offences, the relative importance of which he is unable to judge exactly from ignorance of what is occurring elsewhere, must fairly be considered; and if Mr. Cowan has erred on the side of precipitancy, it is not given to all officers of Government to be at the same time energetic and discreet. An opportunity has been given to Mr. Cowan of explaining more fully the grounds of his action.

6. Complete tranquillity is now restored, and any other trials which may be necessary will be conducted for offences committed in British territory, and in accordance with ordinary legal procedure.

7. The deportation of Ram Singh, the leader of the turbulent Kooka sect, and his most influential lieutenants, appears to the Lieutenant Governor to have been an inevitable result of the present outbreak, and whether proof be forthcoming to connect him with the particular crimes under report appears to his Honor of little moment. The Kooka sect has shown itself to be obnoxious to public tranquillity; the series of violent crimes during the past year at Amritsar, Raikote, and Morindah, which had so much alarmed society, have now been followed by open rebellion and attacks upon towns, which, if successful, as from their suddenness they might well have been, would have occasioned serious inconvenience to the Government. The Government contented itself with punishing the actual perpetrators of the first-mentioned crimes, and trusted that its moderation would have induced the leaders of the sect to insist on their followers abstaining from violation of the law. Such has not been the case. It was at Bhaivee, the village of Ram Singh, that the Kookas who committed the present outrages assembled, and from which they departed on their expedition; and whether Ram Singh at the last found his followers had got beyond his control, whether he desired an experiment to be made to try the temper of the Kookas, to be followed, if successful, by a general rising of the sect, or whether he only believed that the time had not come when action could be safely taken, is uncertain. What is certain is that the outrages were the immediate result of the doctrines taught by him, as the crimes at Amritsar, Raikote, and Morindah were committed admittedly with his knowledge, and nothing which has since come to light has in any way altered the view of the Lieutenant Governor, on which the instructions to the Commissioner of the Ambala Division were based, that the deportation of Ram Singh had become a measure absolutely necessary in the interests of public tranquillity. Mr. Macnabb, the late Officiating Commissioner of the Ambala Division, before leaving it, placed on record his opinion of the necessity for placing Ram Singh in confinement, and the Lieutenant Governor will submit a further report on the subject.

From *T. D. Forsyth, Esq., C.B.*, Commissioner and Superintendent, Ambala Division, to the Secretary to the Government of the Punjab, Delhi; dated Camp Ludiana, the 17th January 1872.

I HAVE the honour to forward herewith copy of a letter received from the Deputy Commissioner, Ludiana, at an early hour (5 a.m.) this morning, reporting that tranquillity had been completely restored in his district. A copy of my reply is also forwarded.

2. I telegraphed to you last night the substance of news which had been brought to me by the wakil of his Highness the Maharaja of Patiala, to the effect that a body of about 70 Kookas, some with guns, some with swords, and others with gundāas and sticks, had come from Maler Kotla to Sherpore, which is about 13 miles west of Kotla, and had surrendered to the Nazim of Amargugh. About 30 of these men were wounded, and all acknowledged

057

THE KOOKA OUTBREAK.

22

acknowledged that they had been in the attack on Kotla. The total number of Kookas employed on this attack appears not to have exceeded 126.

3. Ram Singh, it appears from one report sent in by the District Superintendent of Police last night, joined the Deputy Commissioner at Malodh, on his requisition, but was told to come into Ludiana by him, on Mr. Cowan's advancing to Kotla.

4. I have directed Colonel Baillie to cause Ram Singh to come to Ludiana at once. Lukka Singh came in of his own accord on the 16th, and has been detained till Ram Singh's arrival, when he shall be disposed of as ordered by the Inspector General's telegrams.

5. It is reported that 200 Kookas are collected in the village of Bhainee, which is 15 miles distant from Ludiana, on the road to Kalka. I have directed Captain Menzies to proceed there and bring back with him any Subahs or others whose presence may be required here.

6. As soon as I have decided what to do with Ram Singh, on his arrival here, I shall proceed to Kotla.

7. Two companies of Her Majesty's 54th Regiment arrived yesterday from Jullundur, and are lodged in the fort. The artillery from Jullundur is coming in. Colonel Gough, with 100 sabres, has just arrived. I have telegraphed to the General Commanding Sirhind Division to keep the European troops at Ambala, but to send on the 1st Goorkas to this place.

8. Further reports shall be submitted hereafter.

From *L. Cowan, Esq.*, Deputy Commissioner, Ludiana, to *T. D. Forsyth, Esq., C.B.*, Commissioner and Superintendent, Ambala Division; dated Camp Kotla, the 16th January 1872, 7.30 p.m.

IN reply to your telegram of yesterday's date, informing me that you would be at Ludiana this evening, and directing me to send a report to meet you there, which telegram has just been received by me, I have the honour to report to you that tranquillity has been completely restored, and that there is no necessity for you to come to Kotla.

2. The gang of rebels, for no other name will adequately characterise them, never numbered more than 125; of these there were at Malodh 2 killed, 4 captured; at Kotla 8 killed, 31 wounded. Of those wounded, 25 or 26 escaped at the time; but 68, including 27 wounded, have been captured in the Patiala State at Burh, a village 12 miles from this. The entire gang has thus been nearly destroyed. I purpose blowing away from guns, or hanging, the prisoners to-morrow morning at daybreak.

Their offence is not an ordinary one. They have not committed mere murder and dacoity; they are open rebels, offering contumacious resistance to constituted authority, and, to prevent the spreading of the disease, it is absolutely necessary that repressive measures should be prompt and stern. I am sensible of the great responsibility I incur; but I am satisfied that I act for the best, and that this incipient insurrection must be stamped out at once.

From *T. D. Forsyth, Esq., C.B.*, Commissioner and Superintendent, Ambala Division, to *L. Cowan, Esq.*, Deputy Commissioner, Ludiana; dated Ludiana, the 17th January 1872.

I HAVE to acknowledge the receipt of your letter dated Kotla, 6th January, 7.30 p.m.

2. The body of Kookas now apprehended in Patiala territory have committed two separate offences, one offence affecting British jurisdiction, the other offence affecting the semi-independent jurisdiction of Maler Kotla.

3. As regards offences committed in Maler Kotla, the authorities there have full power to try and sentence criminals, sending the case up to the Commissioner for sanction when the sentence is capital punishment.

4. I request that you will prepare at once the case against such as appear to you to be deserving of capital punishment, and I shall then give immediate orders; but with deference to your expressed desire for promptitude, the case is not sufficiently urgent to justify the abandonment of the very simple form of procedure we have at hand.

5. I purpose proceeding to Maler Kotla very shortly.

From *T. D. Forsyth, Esq., C.B.*, Commissioner and Superintendent, Ambala Division, to the Secretary to the Government of the Punjab, Delhi; dated Camp Ludiana, the 18th January 1872.

I HAVE the honour to inform you that I have considered it absolutely necessary, for the preservation of peace in this district, first for the peace of the whole province, to deport Ram Singh, leader of the Kooka sect, at once from the Punjab, and to send him to Allahabad for safety until the pleasure of the Government regarding his final disposal be made known.

2. The complicity of Ram Singh in the outrages committed by his followers at Malodh and in the state of Maler Kotla has not yet been thoroughly inquired into; and it is a fact that he reported to the police the intention of Lehna Sing and Hera Sing, the chief actors in the present case, to commit outrages. But by his own admissions his followers make use of his name and take advantage of his presence among them to call on their fellows to commit murders and create disturbance. He admits, whilst I am now writing down his words, that some time (he says about a month or six weeks) before the Amritsar murder, two men, Jhunda Sing and Mehr Sing, asked leave to kill the butchers. Others joined in the request, but he strenuously forbade them; nevertheless, they perpetrated the crime. He admits that though he had a strong suspicion that these men were the culprits, he did not give any information to the Government. Some time afterwards, he says that Dull Sing, Mungul Sing, Dewan Sing, and two others came and asked his leave to commit the Raikote murder; but he forbade them, and they did the deed without his knowledge. But he admits that he never gave any clue to the Government officers, not even when he was summoned to Bassean by Mr. McNabb and interrogated. It is, therefore, quite evident that he kept the Government in the dark as to the proceedings of his followers. His excuse is, that he was ignorant of our laws, and that as he had forbidden his followers to be guilty of murder, there was no obligation resting on him to report the matter to Government, not even when he found that murders proposed by his followers had been committed.

4. To allow such a man to be at liberty is in the highest degree dangerous, even supposing his statement to be true, and then to be no more guilty of complicity than is to be inferred from his silence, when information from him, as in the Amritsar case, would have led to a prompt apprehension of the real culprits.

5. I trust that the action I am now about to take may receive the sanction of the Government, and that a warrant may be issued, under Regulation III. of 1818, for the detention in custody of Ram Singh and that of his subahs who during the next day or two shall be apprehended and forwarded to the magistrate of Allahabad.

DEMI-OFFICIAL LETTER from Captain *Menzies*, dated Ludiana, the 18th January 1872.

My dear Colonel,

I ENCLOSE special report from Perkins, just received. It appears that Mr. Cowan has acted on his own responsibility, and executed the greater part of those arrested in Patiala. Forsyth has gone out, and I fancy will try the remainder, and have them executed in the legal manner. They appear to have been quite beyond control. I was up all last night arranging for dispatch of Ram Singh, Lukka Singh, Sahib Singh, and Jowahir Singh, who were sent off under a guard of 12 Goorkhas and Mr. Jackson to Allahabad. Ram Singh came in here, in obedience to a summons sent out by you directing him to do so, with only four followers. He arrived at two a.m. and left at four a.m. During the two hours Mr. Forsyth questioned him, and he certainly acknowledged to have been aware of both the Raikote and Amritsar murders being contemplated, and has given up the names of the men who were the prime movers. In the former, Dull Singh, Dewan Singh, and Mungul Sing, and in the latter, Jhunda Singh and Mehr Singh, of Thutta, Zillah Amritsar. Baillie went off last night with 25 sowars to fetch Ram Singh from the direction of Malodh, but he had passed on to Bhainee; so Baillie halted at Sahnewal for the night, and at 4.30 a.m. 40 Goorkhas and 12 police were sent down to him by special train, and he went straight off to Bhainee to arrest remaining subahs, and to search for arms and papers. Just as he was leaving Sahnewal, five other subahs came in there with the clerk serjeant, viz. :—

Brahma Singh,
Pahara Singh,
Hookma Singh,
Kahn Singh, Nahung, and
Gopal Singh;

so he sent them on by morning train, and I have now got them here under a Goorkha guard waiting for a European officer to escort them. Everything seems quiet. I had written round to all districts about their gaol and treasury guards, and warned them against any surprise. We seem to have secured all the chief men except Maluk Singh, and he is said to be at Bhainee, and Baillie will probably bring him in this morning. I myself was against Ram Singh being deported, but Mr. Forsyth said that he must send him off before he went out to Maler Kotla.

THE KOOKA OUTBREAK.

13

POLICE DEPARTMENT, LUDIANA DISTRICT, No. 3 OF 1872.

SPECIAL REPORT OF CRIME, 17th January 1872.

1. Description of the Offence. Section of the Code; also distance and direction of place from Police Station.	2. 3. Number of Persons.		4. 5. Value of Property.		Statement of the Case. Conduct of the Police. Steps taken by them.
	Supposed to have been concerned.	Arrested.	Plundered.	Recovered.	
390	About 100	-	-	-	<p>KOTLA.</p> <p>Arrived here yesterday afternoon with Deputy Commissioner about 5 o'clock. On the road were met by me Rissaleh from Jheend, another from Nabah, also the Naib Nazim of Omerghur (Wezir Ali), Patiala, who reported Maharaajah been successful in capturing the greater part of the gang who attacked this place. The capture seems to have been easily effected, no one being hurt. The Kookas were probably knocked up and dispirited. The Nazim stated that some 30 men were wounded; from this it is evident the Kotla Jamadar's men must have fought well. But one wounded Kooka was left behind. There were seven killed.</p> <p>10 o'clock, a.m. Have just returned with Deputy Commissioner from inspecting the city and scene of action. The gang appeared to have met with little or no difficulty in entering the city than the broken-down wall, and no opposition until they reached the palace square; here they were met by the Thannadar and a few men, and at this place there was the only real fighting, about 15 being killed on both sides. The Thannadar is said to have killed three men before he succumbed to a sword wound in the head. The Kookas evidently hoped to get at the treasury, but luckily broke open the wrong door, finding only a few papers and missals in the place. They took some arms out of a <i>kothi</i>, but not finding any ammunition, threw them down a well. The Kotla people were evidently unprepared. This, they say, was in consequence of the short notice they received of the meditated attack (the reports from their vakil only reaching Kotla at eight p.m. on the 14th, the men having been informed by me at 10 o'clock the previous night, 13th).</p> <p>17th, 12 o'clock. Just starting to assist in bringing in the Kookas, who are reported to be about six miles off. Roads very bad, and cattle knocked up.</p> <p>3 o'clock. Returned to Kotla; met the party about seven miles off; collected fresh cattle for the hackeries, now about three miles off. Both Hera Singh and Lehna Singh, the leaders, taken. They are generally well-dressed and well-to-do men; but have the appearance of bold, determined-looking fellows. Hera Singh told Deputy Superintendent of Police that the <i>whole</i> band was taken. Several of them were exceedingly abusive, and declaring they would have no government but their own, &c. &c.</p> <p>7 o'clock. Just returned from the execution; arrangements excellent; seven guns; 49 blown away, and one cut to pieces when savagely attacking the Deputy Commissioner.</p>

Fortunately, as we were finishing the execution, Commissioner's letter was received directing these ruffians, up to their elbows in blood, to be tried under the extradition laws, &c.

8 p.m.—Kahn Singh, Subah, has just been brought in from Mulloopoor by party of Nabha cavalry (a village, five kos from this), by orders of Deputy Commissioner. This man is a most influential Subah and leading man amongst the Kookas, and attendant and confidential adviser of Ram Singh's.

(signed) E. Perkins, Lieut.-Colonel,
Deputy Superintendent, Police.

A report came in here this evening from Malodh, that 150 Kookas had congregated in a jungle near Khannah.

E. P.

From *L. H. Griffin, Esq.*, Officiating Secretary to the Government of the Punjab, to *E. C. Bayley, Esq., C.S.I.*, Secretary to the Government of India (No. 24 C.); dated Delhi, the 20th January 1872.

IN continuation of my letter No. 23 C. of yesterday, I am desired by the honourable the Lieutenant Governor to forward copies of letters Nos. 15 and 16 of the 17th instant, from Mr. Cowan, Deputy Commissioner, Ludiana, reporting further on the Kooka outbreak and his proceedings connected therewith. His Honor reserves further remark until the Commissioner's report is received.

From the Deputy Commissioner of Ludiana to the Commissioner of the Ambala Division (No. 15), dated the 17th January 1872.

IN reply to your telegram, the receipt of which was delayed owing to my having left Malodh just before it arrived at that place, I addressed a hurried letter to you last evening reporting that tranquillity was completely restored, and that it would not be necessary for you to come to Kotla. I now continue the narrative of what has occurred.

2. I yesterday completed the inquiry in the Malodh case. Seven prisoners were placed on their trial; four of these men were wounded; they were taken red-handed. The evidence, and their own admissions, formed the most conclusive evidence against them. Their names are Bagwan Singh, Gyan Singh, and Tummun Singh of the Patiala State, and Mehr Singh of Aliwalpūr, District Jullundur, all Kookas. There was some doubt whether the other three persons joined in the attack; they are kept to be tried on other charges. From the inquiry it appeared that on the 13th instant, at Bhainee, Hera Singh and Lehna Singh of Sukroutie in Patiala, two men who had formerly been in good circumstances, but were now poor, collected a gang of Kookas, estimated at from 60 to 100 in number. These men they seated apart from the other Kookas who had come to visit Ram Singh, and by prayers, recitations, &c., worked them up to a state of frenzy, and then, after abusing the British Government and the native states who had assisted in the Raikote murder case, called on them to revenge the death of Gyaneer, a subah who was hanged at Ludiana a month ago, promising arms, horses, and money, if they would follow them. These two men said that arms and horses would be found at Kotla, and that they would then proceed and sack Sangroor, Nabha, and Patiala, gathering strength as they went. Ram Singh gave intimation to the Deputy Superintendent of Police, Surfraz Khan, that this gang meditated mischief, and he himself begged of them not to create a disturbance at Bhainee. Whether this remonstrance was made in good faith, or was a deep move on Ram Singh's part, I am unable now to say.

3. About 2 p.m., on the afternoon of the 13th instant, this gang left Bhainee in a body; they proceeded *via* Rampoor and Pacl. in Patiala territory, without, however, resting at these places, and about 10 p.m. reached Rubboo, a village in this district about 3½ miles from Malodh, on the border of the Patiala State. They remained at a well distant about 400 or 500 paces from the village of Rubboo. The Deputy Superintendent of Sanehwal (Surfraz Khan) came into Ludiana on the night of the 13th to report the departure of the gang from Bhainee, and about 11 p.m. I sent notice to the vakils of Kotla and Patiala, directing them to give warning to their respective states.

4. The Kooka gang remained in the neighbourhood of Rubboo during the night of the 13th and day of the 14th. There is no evidence to show that their numbers increased after leaving Bhainee; and I am inclined to think that the greatest number together at one time did not exceed 150 men. The delay at Rubboo was probably caused by a hope that they would be joined by others, or by doubts of the success of an attempt on Kotla. It probably occurred to the leaders, as they were about to start for Kotla, that it would be easy to obtain arms and horses at Malodh. It was certainly not their intention to attack Malodh when they left Bhainee.

5. The gang left Rubboo in the evening, and reached Malodh as it became dark. They made the attack in the manner I have described in a previous letter. Their success at Malodh was a very poor one; they killed two men, slightly wounded the sirdar, and secured three horses, one gun, and one sword. In return they left two of their number killed and four wounded prisoners. Considering the suddenness of the attack, this result is creditable to the people of Malodh and to the men of the adjoining village of Bherree, who turned out on hearing the beat of drum, and reached Malodh before the Kookas left it, and gave valuable assistance.

6. The Kookas then proceeded to Kotla, about nine miles distant from Malodh, and appeared at Kotla on the morning of the 15th. Intimation of the threatened attack reached the Ahulkars of this small state on the evening of the 14th, and some patrols were placed round the town during the night, and the guards at the gates strengthened. On the morning of the 15th these precautions were discontinued, and the Kooka gang about 7 a.m. made a sudden attack. They made for the palace and treasury, but were encountered by the Kotwal Ahmad Khan, and a few men. Ahmad Khan, who appears to have behaved with great gallantry, was killed, and, in the confusion which followed,

seven

seven other persons were killed and 15 wounded. The Kookas failed to get at the treasure, and after taking two horses and a few swords, retreated, followed by the Kotla people who had now assembled armed. A sort of running fight was kept up and long shots fired, and many more Kookas were wounded, till both parties reached the village of Rúrr in the Patiala State, the Kookas carrying most of their wounded with them. At this place the Kotla officials were told by a wounded Kooka that the gang intended to return and repeat the attack on Kotla, and thought it prudent to return, after sending intimation to the officials of Sherpore in Patiala.

7. On receipt of the first intimation of the attack on Kotla and arrival of the Kookas at Rúrr, the Naib Nazim of Sherpore rode to Rúrr, accompanied by three sowars. He found the village abandoned, the Ját villagers having gone off in alarm with their families, and the Kookas seated in the jungle a little way from the village. The Kookas at first showed fight, advancing towards the Naib Nazim with drawn swords and shouting out abusive language, but this was mere bravado; the ruffians were completely cowed. They were hungry and tired, and had a number of wounded men with them, and after a short parley, they gave up their arms, many of the swords covered with blood, and surrendered. Sixty-eight Kookas (including a woman) were here captured who had been present at the attacks on Malodh and Kotla. Of these 29 were wounded, seven of them very severely. The prisoners were conveyed to the fort of Sherpore. I have sent for them. The Rajas of Nabha and Jheend responded with alacrity to my requisition for troops. In less than an hour after receipt of my *murasilas* they dispatched artillery, cavalry, and infantry to Kotla. I hope to be able to allow these troops to return this evening or to-morrow.

8. When I first heard of the attack on Kotla, the situation appeared to me to be a very grave one, and I telegraphed that troops might be sent. Two such atrocities as the attacks on Malodh and Kotla perpetrated by the same people who committed the murders at Amritsar and Raikote justified me in thinking that this was more than a dacoity. It looked like the commencement of an insurrection, and I trust I shall not be thought to have caused unnecessary alarm by my first reports.

9. It transpires that the disturbance was got up by two men, Hera Singh and Lehna Singh, residents of the village of Sukroutie in the Patiala State. These men were formerly in affluent circumstances, but have latterly become poor and desperate. They induced a number of the most ignorant of the Kooka men, who are easily excited, to join them; their sole object, in the first instance, being plunder. What the ulterior object of the leaders was it is impossible to say. One of the leaders, Lehna Singh, was captured at Rúrr, the other, Hera Singh, is believed to have been killed in Kotla; but the corpse has not yet been identified.

10. The losses sustained by the rebels in their short campaign of three days' duration are as follows:—

At Malodh	-	-	-	-	2 killed, 4 wounded and taken.
At Kotla	-	-	-	-	7 „ 5 captured.
At Rúrr	-	-	-	-	68 captured, of whom 29 are wounded; whilst
they have inflicted a loss of—					
At Malodh	-	-	-	-	2 killed, 2 wounded.
At Kotla	-	-	-	-	8 „ 15 „
Total	-	-	-	-	10 „ 17 „

At least two-thirds of the whole gang have been killed, wounded, or captured. The remainder are being hunted like vermin, and many more of them will be taken.

11. I am in hourly expectation of the arrival of the prisoners from Rúrr. I propose to execute at once all who were engaged in the attacks on Malodh and Kotla. I am sensible of the great responsibility I incur in exercising an authority which is not vested in me, but the case is an exceptional one. These men are not ordinary criminals. They are rebels having for their immediate object the acquisition of plunder, and ulteriorly the subversion of order. It is certain that, had their first attempts been crowned with success, had they succeeded in arming themselves and providing themselves with horses and treasure, they would have been joined by all the abandoned characters in the country, and their extinction would not be effected without much trouble. By the timely preparation at Kotla the first efforts were defeated, and by the active exertions of the Patiala officials, this miserable attempt at rebellion has been stamped out; but others of their stamp must be deterred from following so bad an example; and that the warning should be effectual, it must be prompt and terrible. I have every confidence then that the Government of the Punjab will approve of the immediate execution of those prisoners who have been taken red-handed.

From *L. Cowan, Esq.*, Officiating Deputy Commissioner of Ludiana, to the Commissioner of the Ambala Division (No. 16); dated the 17th January 1872.

IN continuation of my letter to your address of this morning's date, I have the honour to report to you that 68 rebel Kookas were brought in to-day from Rûr. Of these, two were women, leaving 66 men; 22 of the men were wounded, most of them slightly.

2. The conduct of these prisoners was most defiant and unruly; they poured forth the most abusive language towards the Government and the chiefs of Native States. *All of them* admitted that they were present at the attacks on Malodh and Kotla, and gloried in the act; they said they had attacked Malodh for the purpose of procuring arms, and Kotla because their religion required them to slay the killer of cows.

3. The two women were residents of the Patiala State, and I made them over to the officer commanding the Patiala troops for conveyance to Patiala. Forty-nine of the rebels were blown away from guns this afternoon on the parade ground of the Kotla chief in the presence of troops of the Patiala, Nabha, Jheend, and Kotla States. It was my intention to have had 50 men blown away, and to have sent the remaining 16 rebels to Malodh to be executed there to-morrow, but one man escaped from the guards and made a furious attack on me, seizing me by the beard and endeavouring to strangle me; and as he was a very powerful man, I had considerable difficulty in releasing myself. He then made a most savage attack on some officers of the Native States who were standing near me. These officers drew their swords and cut him down.

4. This was a most painful duty, and it was made inexpressibly painful to me by receipt of your letter of to-day's date, received as the last batch was being lashed to the guns, desiring me to make an inquiry and forward the proceedings to you for punishment (*sic*). In carrying out execution of my own sentence I acted on the honest and sincere conviction that I was acting in the best interests of Government. A rebellion, which might have attained large dimensions, was nipped in the bud, and a terrible and prompt punishment was in my opinion absolutely necessary to prevent the recurrence of similar rising.

5. I most sincerely trust that you will, after this explanation, approve of what I have done. I am placed in a most difficult position here, with reference to the 16 rebels who have remained unpunished. It was, as I have stated above, my intention to have sent them for execution to Malodh to-morrow, and I earnestly beg that you will sanction my carrying out sentence at once. I believe that these executions *have had*, and will have, a most happy effect. * * * The demeanour of the people, their shouts and remarks wherever I go, all show this.

6. I purpose dismissing to-morrow morning to their respective states the troops assembled here, and shall remain here till noon to-morrow in the hope of receiving an order from you sanctioning my carrying out sentence on the remaining Kooka rebels. Should you not accord this sanction, I will make inquiry and forward to you for orders.

P. S.—Among the rebels blown away were Hera Singh and Lehna Singh, the leaders of the gang, and instigators of the outbreak.

P. S. 2nd.—Just as I am closing this letter, the party of cavalry I sent in pursuit of the Kookas said to be concealed in the village of Maloopoor, which I communicated to you in my demi-official of to-day's date, has returned bringing with it Kahn Singh, an influential subah, who resides at Bhaince, and three other Kookas. I reserve inquiry into these men's cases until to-morrow, as I have been extremely harassed all day.

(Home Department.—Judicial.—No. 122.)

From *E. C. Bayley, Esq.*, c.s.r., Secretary to the Government of India, to the Secretary to the Government of the Punjab.

Sir,

Fort William, 24 January 1872.

No. 23c, dated 19th
January 1872.
No. 24c, dated 20th
January 1872.

I AM directed to acknowledge your letters, quoted in the margin, reporting on the recent attack by fanatical Kookas on Malodh and Malehr Kotla. The Governor General has already, by telegraph, approved generally of the action taken by the Lieutenant Governor in dispatching troops to the seat of the disturbance, and in arresting and removing from the neighbourhood Ram Singh and his most influential Subahs. Warrants for their detention, under Regulation III. of 1818, have been already sent to the magistrate of Allahabad.

2. The local officers acted with promptitude and vigour on the first intelligence of the disturbance, but the subsequent proceedings seem to require serious notice. His Honor states that "he regrets the course taken by the Deputy Commissioner of Ludhiana, Mr. Cowan, in summarily executing the Kooka insurgents, captured in the Patiala

THE KOOKA OUTBREAK.

17

Patiala territory." The Government of India fully shares in the regret expressed by his Honor, and is of opinion that the papers submitted show nothing to justify the course taken.

3. Under these circumstances his Excellency in Council feels constrained to request that you will suspend Mr. Cowan until further orders, and awaits with anxiety such explanations as Mr. Cowan may have to offer, and the expression of his Honor's opinion on the whole subject.

4. The loyal, prompt, and efficient assistance given by the troops and officers of the Patiala, Nabha, and Jhind's States, no doubt, contributed materially to the suppression of disturbances, and to prevent their spread. I am to express his Excellency's entire satisfaction with their conduct.

TELEGRAM, dated the 22nd January 1872.

From Secretary, Punjab Government, Delhi, to Home Secretary, Calcutta.

A REPORT was received yesterday that the telegraph wire was cut between Ludianah and Ferozepore, and that Kukas were marching on the latter place. No truth in the report.

(No. 12 of 1872.)

From Government of India to Her Majesty's Secretary of State for India.

My Lord Duke,

Fort William, 2 February 1872.

IN continuation of our Despatch No. 9, dated the 2nd instant, we transmit for your Grace's information copy of further letters and telegrams* received from the Punjab Government, reporting proceedings connected with the recent outrages committed by Kookas at Malodh and Malair Kotlah. • See annexed list.

TELEGRAM, dated the 21st January 1872.

From Secretary, Punjab Government, Delhi, to Home Secretary, Calcutta.

REPORT of Kooka demonstration in Rahun unfounded.

TELEGRAM, dated the 23rd January 1872.

From Secretary, Punjab Government, Delhi, to Home Secretary, Calcutta.

EVERYTHING up to this time has remained perfectly quiet in Ludiana and elsewhere.

(Confidential.)

From *L. H. Griffin*, Esq., Officiating Secretary to the Government of the Punjab, to *E. C. Bayley*, Esq., C.S.I., Secretary to the Government of India (No. 29 c.); dated Camp Delhi, the 22nd January 1872.

IN continuation of my letter, No. 24 c. of the 20th current, I am desired by the Honourable the Lieutenant Governor to forward copies of letters from the Commissioner of Ambala, dated 19th and 20th January, reporting proceedings in connection with the Kooka outbreak. Copy of the Deputy Commissioner's letter alluded to in the marginal note of the Commissioner's letter of the 19th is also sent. Copies of the other enclosures have already been furnished with my letter of the 20th instant.

From *T. D. Forsyth*, Esq., C.B., Commissioner of Ambala, to the Secretary to the Government of the Punjab; dated Camp Kotlah, the 19th January 1872.

IN continuation of my letter dated 17th instant, forwarding reports from the Deputy Commissioner, Ludiana, I have now the honour to forward copies of further letters* received from him, and to submit a report of proceedings.

2. Up

* Note.—Nos. 15 and 16 of which copies were received from Deputy Commissioner direct and sent on to Government of India, with No. 24 c., dated 20th January.

2. Up to the time of dispatching the letter just referred to, no reliable intelligence of the whereabouts of Ram Singh had been received. It appeared as if he was playing a deep game, for he had reported to the police the departure of his followers from his village to commit some outrage, but it had been known and reported verbally by me to you some time before that a body of 200 Kookas were to assemble at Bhainee, Ram Singh's village, at the Lhori festival, which occurred on the 13th current, and that it was given out that there was to be some outbreak soon after. The correctness of these reports may have been doubted at the time as very vague, but, read by the light of subsequent events, there is, I think, little reason to question their accuracy, and for Ram Singh to wait till the party had gone off and then to report proceedings, and to declare himself without any influence, was a ruse on his part to try and escape the responsibility of the acts of his followers.

3. The Deputy Commissioner ordered Ram Singh to meet him at Malodh, which he did; but as Mr. Cowan was obliged to go on at once to Kotlah, he sent Ram Singh back to his home. Intimation of this was not however sent to me, and we had some trouble to find out where Ram Singh was. At 4 p.m., on the 17th, I dispatched Colonel Baillie with a party of Colonel Gough's cavalry to search for Ram Singh and bring him in. I had previously ordered parwanas to be sent in different directions requesting his attendance at once at Ludiana. Later in the evening I heard that he had reached Bhainee, where, I was informed, 200 Kookas were assembled. Mr. Hatchell, Assistant District Superintendent, who had passed through that village on the night of the 15th, had reported to me that there were no Kookas there beyond the ordinary inhabitants. These men must, therefore, have either concealed their presence from the police officer, or had assembled after his departure. I had instructed Captain Menzies to go out there at daybreak, but Colonel Baillie's subsequent movements induced me to make over the duty to him, a report of which will be forwarded shortly.

Bahib Singh.
Jowahir Singh.
Servants.
Goorutt Singh.
Nunoo Singh.

4. Ram Singh came into Ludiana with four followers noted in the margin, in obedience to the order I had issued. He arrived at 1 a.m. on the morning of the 18th, when I interrogated him and got answers, the substance of which I sent in an official letter to you by the morning train of the 18th* (yesterday). For reasons given in that letter, I decided to deport Ram Singh at once, and further information confirms my opinion as to the correctness of the step taken, although the particular outrage with which we are now concerned has been promptly dealt with, and we are able to report perfect tranquillity. We have no assurance that this tranquillity will not be disturbed at any moment. The assemblage of Kookas in the village of Bhainee, the appearance of small bodies of Kookas in villages near here, a few of whom have been apprehended, and the report received from Jullundher of a body of Kookas from Amritsur having raised their flag at Rahun, are a sufficient indication that there is some intention of a general rising, and the slightest failure on the part of the authorities to deal promptly with the innumerable now caught would be a signal to concealed parties to rush forward.

5. As I was travelling by rail to Ludiana on the 16th, I saw Kookas at three of the railway stations, and heard that others had been passing up the line. The Jhind Munshi reports that a Kooka in that state was observed to sell his land and throw away his property, declaring his intention of going off at once to join his Gûrû.

Yesterday afternoon a sowar coming from Malodh reported that he saw about 12 Kookas collected and seated on the ground near the road about two miles from this. The Deputy Commissioner at once sent out to search for the men, but they had disappeared. A party of Kookas had been seen to pass through the village of Sahibee in the Putiala Territory near Kotlah on the evening of the 16th, but afterwards separated. I beg to call attention to the Deputy Commissioner's letter just received, and sent in original with this.

6. It is with this impression on my mind that I now allude to Mr. Cowan's proceedings at Kotlah, which are fully detailed in his report. I had demi-officially and officially urged him to be careful to do nothing which could detract from the complete success of his energetic efforts to quell this disturbance. I pointed out that whilst offences committed against persons or property in British territory could only be tried according to regular form, and sentences only be carried into execution after confirmation by the chief court, the procedure in cases of crime committed in foreign states such as Malair Kotlah admitted of more prompt action, inasmuch as sentence could be carried out on the confirmation of the Commissioner.

7. Before, however, my official letter had reached him, Mr. Cowan had disposed of 50 prisoners in a summary manner. There was no question as to their guilt, for they were all apprehended red-handed; and unquestionably had the proceedings been sent up to me, I should have confirmed the sentence of death. Whilst then I regret the informality of the procedure, I consider myself justified now in confirming the sentence. There being no arrangements for hanging so many men at Kotlah, and considering the circumstances of the case and occurring in a native state, these men were executed by Mr. Cowan by being blown from a gun; a proceeding warranted by former precedents when large numbers of rebels were thus disposed of in 1857.

8. Having dispatched Ram Singh yesterday morning I rode out to Kotlah, accompanied by Colonel Gough and a party of his cavalry, and the remaining 16 prisoners were regularly tried by Mr. Cowan, acting on behalf of and sitting on the bench with the Nazim and

* Note.—Copy forwarded to Government of India with No. 23 c., dated 10th January 1872.

THE KOOKA OUTBREAK.

19

and Tehsildar of the Malair Kotlah State. The proceedings were formally recorded; and the sentence of death passed by them, having received my sanction, was carried into execution in the presence of the European officers and the officials of Malair Kotlah and the adjoining States.

9. There still remain seven persons implicated in the attack on Malodh, four of whom were captured at the time by the Sardar's people. This offence having been committed in British territory, the criminals will be regularly tried before the sessions to-day at Malodh, and sentence will be carried out after the confirmation by the chief court in the usual manner at Ludiana.

10. In the evening of yesterday I distributed the following rewards from the Malair Kotlah coffers to the persons prominently mentioned by Mr. Cowan as having distinguished themselves in apprehending the Kookas who were concerned in the attack on the Kotlah Palace and Treasury, and I gave instructions to the Nazim of that Principality to make proper provision for the family of the Kotwal, Ahmed Ali, and the others who gallantly defended, at the expense of their lives, the property of their state:—

	Rs.
Niaz Ali, Naib Nazim - - - - -	1,000
Panjab Singh, a durbari - - - - -	300
Jaymul Singh, who gave the information - - - - -	200
Mustan Ali - - - - -	100
Utum Singh - - - - -	50
Ruttun Singh - - - - -	50
Gulab Singh - - - - -	50
Partab Singh - - - - -	50

11. Letters of thanks on behalf of the Malair Kotlah State were at the same time addressed by me to the Maharajah of Patiala, and Rajahs of Jhind and Nabha, and delivered in Durbar to the Vakeels of the Rajahs.

From *L. Cowan*, Esq., dated Kotlah, the 19th January, alluded to in Marginal Note above.

YESTERDAY Narain Singh, Vakil of Sardar Hukkikut Singh of Ber (one of the Malodh villages), reported to me the receipt of information from his master that a party of 50 Kookas passed through the village of Ber yesterday at noon, and, in reply to inquiries, said that they were going to Kotlah; and that about two hours later another party of Kookas, said to be 40 or 50 strong, were seen seated in the grass preserve of the Sardar, and also said they were going to Kotlah.

2. Anup Singh, a Sowar in the service of the Malodh Sardar, was dispatched from Kotlah yesterday about half-past six p.m. with a letter for his master. On this side of Surround, a village three *kos* from Kotlah, he observed a party of 10 or 12 men travelling off the road in the direction of Kotlah. Anup Singh was relieved at Surround, and immediately returned to Kotlah, and, when about one and a half *kos* from Kotlah, overtook a party, probably the same, but increased in numbers to about 20, still marching parallel to, but some way off, the road in the direction of Kotlah.

I sent out a party of Patiala cavalry with Anup Singh as a guide in search of these gangs, but they returned unsuccessful.

3. Since the outrage at Kotlah several reports have been received of parties of Kookas from a distance having approached close to Kotlah and then disappeared.

From *T. D. Forsyth*, Esq., C.B., Commissioner of Ambala, to the Secretary to the Government of the Punjab; dated the 20th January 1872.

IN continuation of my letter of 19th instant, I have the honour to report that I proceeded yesterday to Malodh and held sessions there for the trial of the prisoners who had been captured there, and who were concerned in the case of dacoity with murder. Four men were put on their trial, and convicted on their own confession, and sentenced to death. But it is not my intention to put this sentence into execution, because a sufficient example has been made, and all four of these men are most severely wounded, and two have broken limbs. In a few days I purpose to commute the sentence to transportation for life.

rahma Singh.
ahn Singh, Nihung.
ahara Singh.
ookma Singh.
uttah Singh.
era Singh.
urmukh Singh.

Kuzan Singh.
Harnam Singh.
Harsa Singh.
Summund Singh.
Uttar Singh.
Dharna Singh.

2. I have received a report from Captain Menzies, Deputy Inspector General, that Captain Baillie found 172 Kookas in the village of Bhainee and the Subahs named in the margin. Four of these Subahs, viz., the first four, were sent into Ludiana for dispatch to Allahabad. The remainder are kept for the present in Ludiana pending further orders; 122 of the Kookas have been sent to their homes; the remaining 50 having no home and no ostensible means of living, being, in fact, a dangerous class of this sect, who having sold all that they possessed hold themselves in readiness to perform any act that their leaders may order, will be called on to furnish security, or, in default, will be incarcerated for a period of two years according to law.

I have ordered a small police post to be established at Bhainee for the present.

number of axes
30) were found in
Ram Singh's house.

3. At Kotlah, towards which place parties of Kookas have been flocking from all parts during this last week, but have suddenly disappeared when within a mile or two of the place, there is a considerable apprehension of a second attack. I have therefore ordered the Nazim to rise 100 men, well armed, for the defence of the palace.

4. In my letter announcing the deportation of Ram Singh, I mentioned that he had reported the intention of his followers to the police; this was said by me on the authority of the district officers; but, on examining the police officer yesterday, I find that the case is not nearly so favourable to Ram Singh. An assemblage of (it is said by him) 1,000 Kookas were at Bhainee on the 11th and 12th January. During these two days there was of course free inter-communication amongst the leaders and their followers. On the 13th the Deputy Inspector heard that a body of 100 men "mustana," i. e., who had worked themselves into frenzied excitement and a state of desperation, had separated themselves from the rest, and were preparing to start for Kotlah. Hearing this, the Deputy Inspector went to Ram Singh and asked what it all meant; Ram Singh merely replied that they were "mustana," and had passed beyond his control. The Deputy Inspector asked for a list of their names; Ram Singh only gave 13 names, and said he knew nothing about the rest, though their number by all accounts was not less than 100. The Deputy Inspector then called on Ram Singh to bid them go to their homes quietly, whereupon Ram Singh went to them, putting a handkerchief round his neck, and begging them to go away and not get him into a row.

5. The events of the past week, and of the past year, show that the Kookas are a dangerous sect over whom their leader and the Subahs have no influence for good, and it is advisable for the peace of the country that they should be prohibited from moving about the country inculcating their doctrines, and that gatherings of Kookas in larger numbers than 10 or 12 should not be allowed.

6. It is also advisable not to leave Ludiana entirely without troops of some kind for the present until the movements of the Kooka sect cease to be troublesome.

7. I beg to bring to notice the energetic exertions of Mr. Cowan, Deputy Commissioner, whose prompt action has put a stop to what threatened to be a serious outbreak. I regret exceedingly that his summary executions without trial should detract from the good service he has rendered, but I trust that the circumstances in which he was placed may be taken into consideration. Immediately on receipt of my orders, he suspended proceedings, and proceeded to try in proper form the remaining prisoners. Colonel Perkins has accompanied Mr. Cowan throughout the whole time, and has been most energetic.

8. Colonel Baillie and Captain Menzies, Deputy Inspectors General, have rendered valuable assistance. I have already alluded to the prompt assistance rendered by the Maharaja of Patiala, and the Rajas of Jhind and Nabha, whose services I trust may be acknowledged by his Honor the Lieutenant Governor.

9. There being no longer any necessity for the presence of European troops at Ludiana, I recommend that the detachment of the 54th and artillery be sent back to Jullunder. Colonel Gough's party of 100 Sowars and the Goorkha Regiment might be allowed to remain for the present.

10. I now return to Ambala.

P.S.—Since writing this report, I have received your telegram directing me to stop all summary executions without the Lieutenant Governor's express orders. It will be seen that I had already done so, and I may here state that, on my arrival at Kotlah, I found 30 men apprehended; of these 16 were put on their trial for being more or less prominent in the attack on Kotlah, and, exercising the powers invested in the Commissioner, I sentenced them to death; of the remaining 14, four have since been sentenced to transportation for life, and the remainder have not been punished.

667

THE KOOKA OUTBREAK.

21

(Confidential.)

From *L. H. Griffin*, Esq., Officiating Secretary to the Government of the Punjab, to *E. C. Bayley*, Esq., C.S.I., Secretary to the Government of India (No. 36 C.); dated Camp Gungatole, the 26th January 1872.

I AM directed to forward, for the information of his Excellency the Viceroy and Governor General in Council, a letter from the Commissioner of the Ambala Division, No. 27, dated 22nd January, with enclosure, on the subject of the action taken by Mr. Cowan, Deputy Commissioner of Ludiana, on the occasion of the late Kooka outbreak.

2. His Honor the Lieutenant Governor is of opinion that Mr. Cowan acted with great promptitude and energy in calling out the Jhind and Nabha Horse, and going himself at once to Malair Kotlah to aid in the defence of that place and the suppression of the disturbance.

3. As regards the executions ordered and carried out by him in concert with the Malair Kotlah authorities, the Lieutenant Governor believes that he acted as he thought for the best, and under a strong sense of his personal responsibility for the adoption of the promptest measures for securing the peace of the country, and his Honor considers that much allowance must be made for the difficult position in which he was placed, and for his being unable to judge certainly to how many places the Kooka outbreak extended, and in what degree it might gain head by delay in the infliction of punishment.

4 But, considering that the Commissioner was close at hand, and that many of the prisoners taken were wounded, and all greatly dispirited, the Lieutenant Governor is of opinion that Mr. Cowan would have shown more coolness and discretion had he obtained the previous sanction of his proceedings by superior authority. It is clear, however, that this sanction would not have been withheld, as, on his arrival, the Commissioner sentenced 16 more prisoners to death after trial, and, in doing so, it may be held that he did not exceed the authority vested in him as the *ex-officio* Political Agent for the Malair Kotlah State.

5. It may no doubt be reasonably questioned whether so many capital executions were, even under circumstances so trying, necessary or expedient, and whether an example equally deterrent might not have been made by a less indiscriminate sentence. The Lieutenant Governor himself inclines to this opinion, but on the other hand it is certain that all the prisoners executed were, even under the ordinary criminal law of the British territory, guilty of capital offences, whilst the position and antecedents of the Malair Kotlah State, as a solitary Mahomedan principality, constantly exposed to fanatical attacks, strongly impel its authorities and inhabitants to advocate as a measure of security their repression by the severest punishment. It is said that the Kotwal returned to the town apprehensive of a repeated attack, and both the Commissioner and Deputy Commissioner allude to parties of Kookas flocking round Malair Kotlah and creating fresh alarms. The authorities on the spot could alone correctly judge of the tendency of such demonstrations, and, in his Honor's opinion, the action taken in good faith by them must be supported.

6. Adverting to paragraph 11 of the Commissioner's letter, from which it might erroneously be inferred that the Lieutenant Governor had approved of the numerous executions ordered by Mr. Cowan, copies of the telegrams in question are herewith submitted. Writing in total ignorance of the large number of executions eventually carried out, the Lieutenant Governor, whilst supporting the Commissioner in his enforcement of regular judicial procedure, and so checking the Deputy Commissioner's precipitancy, was desirous at the same time of evincing his appreciation of the zeal and energy shown by him in following up the case.

From *T. D. Forsyth*, Esq., C.B., Commissioner, Ambala Division, to the Secretary to the Government of the Punjab (No. 27); dated the 22nd January 1872.

I HAVE the honour to forward the explanation* called for from Mr. Cowan, Deputy Commissioner, in your No. 22 C., dated 18th instant.

2. I also forward copy of the instructions which I sent to Mr. Cowan, and refer you to my telegram to you,† copy sent herewith, and your reply, and to my official letter of 18th instant to Mr. Cowan, copy of which I forwarded to you some days ago.

3. In considering Mr. Cowan's proceedings it is necessary to distinguish between acts done in British territory and those done in Native states to which our penal and procedure codes do not apply.

4. The procedure in subordinate Native states, such as Kotlah, is for the head of the State
356. D 3

* Letter dated 21st January 1872, from Deputy Commissioner, Ludiana.

† No. 2 telegram at end of enclosure.

State to prepare a case of murder by taking evidence of witnesses, defence of accused, &c., then to pass sentence and forward the case for sanction of the Commissioner of the Division.

5. As his Honor is aware, I from the outset deprecated any departure from the regular course, and sent out instructions at once to Mr. Cowan to this effect. They unfortunately did not arrive until he had disposed of 50 men.

6. I regret exceedingly this hasty action on Mr. Cowan's part. His reason for such is that he felt it necessary to stamp out the incipient rebellion by a swift and terrible punishment. That his prompt and vigorous action had this effect is, I think, undoubted.

7. A party of 100 men, who had devoted themselves to death to carry out the plans of their leader, left the village of their Guru with the intention of seizing the defenceless State of Malair Kotlah, and possessing themselves of arms and treasure, to be distributed to the rest of their sect who were to flock round Kotlah from all sides.

• Dacoity with murder.

8. As they passed Malodh, a sudden impulse prompted them to attack that place. Had all the men been caught at Malodh, all would have been liable under section 396*, Indian Penal Code, to sentence of death; but probably it would have been considered that all were not equally guilty, as all might not have clearly apprehended the nature of the expedition on which they had embarked. Moreover, the British Government is strong enough to maintain order without having recourse to wholesale executions in order to create a deterrent effect.

9. The case, however, was very different when the same party passed on to Kotlah. Not one of these men could plead ignorance of the object in pursuit. They knew that blood rested on the head of the whole gang, and that they would probably shed more blood. No mercy then could be expected by them at the hands of the state they were to attack. Nor could the Malair Kotlah State afford to show any signs of weakness. They had been attacked once, and, unless the assailants were thoroughly cowed, they might be attacked again. It was in fact from fear of a second attack by a larger body of Kookas that the Nazim returned so suddenly to Kotlah from Rur, whither he had followed the gang.

10. It appeared to me then only right that a severe and prompt example should be made, and I was prepared to confirm the sentence of death against all those proved on trial to have been actually engaged in the attack on Kotlah. I should certainly have exempted from capital punishment those who had been severely wounded, and their number was nearly 20, but all the rest I should have condemned to death, and in fact did condemn 16 men, after fair trial.

11. Mr. Cowan's action placed me in an embarrassing position. When I first received his report I was under the impression that he had conducted the proceedings according to the custom in Native states, and had merely usurped my power of sanction. It seemed to me an unworthy act to suddenly disown the over-zealous proceedings of an officer to whom the Lieutenant Governor had just sent a telegram applauding his energy and zeal with reference to my own suggestion to moderate that zeal.

12. I therefore determined to confirm Mr. Cowan's acts so far as regards his usurpation of the Commissioner's authority. As there are no records of trial, none being held by him, I am unable to do otherwise than accept Mr. Cowan's assurances that all the men were actually present at the attack on Kotlah, and if so, all were equally liable to capital punishment, though as regards those severely wounded, execution ought to have been stayed.

13. Had I at once disavowed Mr. Cowan's acts, and mitigated the sentence on those who were subsequently regularly tried and convicted, after the proceedings had been sent to me, at a time too when bands of Kookas were flocking to Kotlah, to join the advance party, leniency on my part might have been mistaken for weakness. I therefore allowed the full sentence to be executed as regards those Kotlah assailants whose active complicity was legally established. But I took occasion, on the trial of the men concerned in the Malodh murders, to mitigate the severity of the former proceedings, and a telegram received the next day from you conveying the Lieutenant Governor's orders confirmed the judgment I had arrived at.

14. Whilst lamenting the hasty and irregular action of Mr. Cowan, I am bound to express my conviction that the very prompt and terrible measures taken by him crushed in its birth a very serious outbreak, and I trust the excellent service he has rendered may weigh against the irregularity and severity of procedure.

From L. Cowan, Esq., Officiating Deputy Commissioner, Ludiana, to
T. D. Forsyth, Esq., C.B., Commissioner, Ambala Division; dated 21st January 1872.

I HAVE the honour to acknowledge receipt of letter from the Secretary to Government, Punjab, to your address, No. 22 C., dated 18th instant, forwarded to me by your precept of yesterday's date, and to reply as follows.

2. When I reached Kotlah the situation was very grave. The greatest alarm and consternation prevailed throughout this part of the country. Fields were deserted, and all ordinary occupations abandoned by the people of the villages between Ludiana and Kotlah. The men were collected in crowds in the gateways of the villages, and the women on the housetops, eager for information which reached them in an exaggerated form.

3. On reaching Kotlah I found that the rebel gang had been captured a few miles off in the Patiala State. I received information that small parties of Kookas were flocking towards Kotlah from distant parts, and I learned that the troops of the Kotlah state had given up the pursuit of the rebels and returned to Kotlah to protect the town from another expected attack. As the contingents from adjoining Native states had arrived, or were close at hand, I felt confident that in the presence of such a force, and with the arrangements I hurriedly made, there was no fear of an immediate attack on Kotlah or any place in its neighbourhood; but that a terrible example was needed to put a stop at once to what was assuming the proportions of a *rebellion*, and to prevent a recurrence of similar outrages at a future time, I therefore determined to execute near the scene of their crime a number of the rebels who were taken red-handed, and all of whom confessed their crime, and to execute the remainder at Malodh. I arrived at this determination after long and painful thought. I was sensible of the great responsibility I was incurring, but I acted in the honest conviction that what I did was in the best interests of Government and of society.

4. The later information received confirms the belief that a serious outbreak was intended, and that matters were precipitated by the hasty action of this fanatical party before the arrangements of the leaders were fully matured. For several days after the attack parties of Kookas arrived from all parts, and on hearing of the fate of their brethren instantly dispersed and disappeared. Had the large number of rebels captured been detained in custody to await a formal trial, there is not the slightest doubt that similar atrocities would have been committed in other parts and that a state of anarchy would have followed.

5. With this explanation I leave myself in the hands of the Government. I acted from no vain motive, or from cruelty, or a desire to display authority. It was my sincere conviction that the punishment, terrible as it was, was imperatively necessary to prevent the spread of an insurrection. One or two petty successes in other parts by other parties of Kookas would have caused great numbers to flock to the rebel standard, and the difficulties of Government would have been increased. I most conscientiously believe that the executions at Kotlah prevented a much more serious rising.

DEMI-OFFICIAL LETTER of Instructions dated the 17th January 1872, referred to in
Para. 2 of Mr. Forsyth's Letter.

You have done *admirably*, but for heaven's sake don't let the whole thing fall short of perfect success by any hasty act.

By dealing with the men now caught as culprits in the Kotlah territory, they can be hanged legally, without the delay of sending the case to the Chief Court, by attending to the form usual in all such cases, i.e., sending up the proceedings to me, and, to save time and trouble, I am going out to Kotlah as soon as I have disposed of Ram Singh. But if you hang (yourself) these men, i.e., the men caught at Malodh, you will fall short of perfect success. A delay of 12 hours cannot produce harm, whereas illegal action may cause trouble. I only wait for Ram Singh to come in to-morrow morning, and I shall be out at once.

COPIES of the TELEGRAMS referred in Para. 6 of Secretary's Letter transmitting
these Papers.

(1.)

From Deputy Commissioner to Secretary, Malodh, *via* Ludiana, whence it was
dispatched on the 16th at 21 h. 15 m.

AGAINST four of the Malodh murderers the proof is convincing. Allow me to execute them on the spot. It is of importance that the punishment should be prompt. I go on to Kotlah, 16th January.

D 4

CORRESPONDENCE RELATING TO

(2.)

From Commissioner, Ludiana, to Secretary, dated 17th January, 0 h. 20 m.

REFERRING to Cowan's telegram asking permission to execute at once four men. Since then we have got 70 men. I am on the spot, and can dispose of the cases according to form and without delay. Exceptional action not necessary, and would increase excitement better allayed.

(3.)

Reply sent on 17th from Secretary, Government, to Commissioner at Ludiana.

WITH reference to your telegram regarding execution of rebels, Lieutenant Governor concurs with you. He, however, approves Mr. Cowan's energy and zeal.

(4.)

First Telegram reporting Execution of Men was dispatched by Commissioner, from Ludiana, on 18th, at 7 h. 16 m.

Forty-nine Kookas blown from guns at Kotlah. One cut to pieces when savagely attacking Deputy Commissioner.

(No. 14 of 1872.)

From Government of India to Her Majesty's Secretary of State for India.

My Lord Duke,

Fort William, 16 February 1872.

IN continuation of our Despatch No. 12, dated the 2nd instant, we transmit for your Grace's information a copy of the further Papers noted in the annexed list, relating to the recent disturbances committed by Kookahs in the Punjab.

TELEGRAM, dated the 29th January 1872.

From Secretary, Punjab Government, Camp *viâ* Delhi, to Home Secretary, Calcutta.

YOUR letter No. 122, dated 24th of January. The Lieutenant Governor requests that action, in accordance with the 4th paragraph of your letter, may be delayed until receipt of my letter of the 26th instant, containing his Honor's views and Deputy Commissioner's explanation. He observes that the conduct of the Deputy Commissioner can hardly be considered apart from that of the Commissioner of the Division.

TELEGRAM, dated the 4th February 1872.

From Home Secretary, Calcutta, to Secretary, Punjab Government, Camp *viâ* Umballa.

YOUR telegram dated 29th January and letter dated 26th. Fresh papers do not alter the opinion stated in paragraph 2 of my letter of 24th January, and Government of India requests Lieutenant Governor to act in accordance with paragraph 3 of same letter.

(Home Department.—Judicial.—No. 289.)

From E. C. Bayley, Esq., C.S.I., Secretary to the Government of India, to the Secretary to the Government of the Punjab.

Sir,

Fort William, 8 February 1872.

I AM to acknowledge your telegram of the 29th ultimo, and your letters noted on the margin, all having relation to the late Kooka outbreak. The Governor General in Council has considered these papers with anxious attention, and he wishes, before passing final orders on the subject, to direct your attention to the points which appear specially to require explanation.

2. His

No. 29 C., dated 22nd January 1872.

" 35 C., " 24th
" 36 C., " 26th
" 38 C., " 27th
" 44 C., " 30th

2. His Excellency in Council agrees with his Honor's opinion, expressed in his letter of 26th January, as to Mr. Cowan's promptitude and energy, and that some allowance must be made for the difficult position in which he was placed; but he feels that nothing short of immediate urgent necessity could justify such a measure as the summary execution of 49 persons, and that in an exceptional and highly objectionable manner.

3. The papers at present before his Excellency do not appear to him to show the existence of any such immediate urgent necessity. The following are Mr. Cowan's own statements on the subject. In his letter to Mr. Forsyth of the 16th January, he says:—

"The gang of rebels, for no other name will adequately characterise them, never numbered more than 125. Of these, there were at Malodh, 2 killed, 4 captured; at Kotlah, 8 killed, 31 wounded. Of those wounded, 25 or 26 escaped at the time, but 68, including 27 wounded, have been captured in the Patiala State, at Rurh, a village 12 miles from this. The entire gang has thus been nearly destroyed. I purpose blowing away from guns, or hanging, the prisoners to-morrow morning at daybreak.

"Their offence is not an ordinary one. They have not committed mere murder and dacoity; they are open rebels offering contumacious resistance to constituted authority, and, to prevent the spreading of the disease, it is absolutely necessary that repressive measures should be prompt and stern. I am sensible of the great responsibility I incur; but I am satisfied that I act for the best, and that this incipient insurrection must be stamped out at once."

4. In his letter (No. 15) of the 17th January, also to Mr. Forsyth, he relates the circumstances of the arrest of the prisoners. He says that 68 of them, of whom 29 were wounded (seven very severely), surrendered to the Naib Nazim of Sherpore and three native cavalry, and that the party, which originally consisted of not more than 125 men, had before that time lost nine persons killed and nine prisoners. He adds, "At least two-thirds of the whole gang have been killed, wounded, or captured. The remainder are being hunted like vermin, and many more of them will be taken."

To use his own words, "The ruffians were completely cowed."

5. In the same letter he remarks that in less than an hour after the receipt of his letters, the Rajahs of Nabha and Jheend "dispatched artillery, cavalry, and infantry to Kotlah." He also makes the following remark: "It is certain that had their first attempts been crowned with success, had they succeeded in arming themselves and providing themselves with horses and treasure, they would have been joined by all the abandoned characters in the country, and their extinction would not be effected without much trouble. By the timely preparations at Kotlah, the first efforts were defeated, and by the active exertions of the Patiala officials, this miserable attempt at rebellion has been stamped out." He adds, however, "but others of their stamp must be deterred from following so bad an example, and that the warning should be effectual, it must be prompt and terrible."

6. In his letter of January 21st, he says: "As the contingents from adjoining native States had arrived, or were close at hand, I felt confident that in the presence of such a force, and with the arrangements I hurriedly made, there was no fear of an immediate attack on Kotlah, or any place in its neighbourhood; but that a terrible example was needed to put a stop at once to what was assuming the proportions of a rebellion."

7. These statements show that no immediate danger was to be apprehended; that if the crime was an attempt at insurrection it had failed; that the insurgents were "completely cowed," and were nearly all made prisoners, many of them being wounded as well; that the danger which might have arisen, if the fort had been taken, had been averted; and that ample military force for the maintenance of order was at Mr. Cowan's disposal.

8. Mr. Forsyth's letter of the 19th, and its enclosure, no doubt, show that several small bodies of Kookas were observed on the 18th January (the day after the execution) in the neighbourhood of Kotlah; but the conduct of these persons on the 18th could not have had anything to do with Mr. Cowan's act from the first.

9. The impression which the papers leave on his Excellency in Council is, that Mr. Cowan ordered the execution, not under the pressure of immediate urgent necessity, but because he thought that it might possibly have the effect of preventing an insurrection of a more general kind.

10. In his Excellency's opinion, a general apprehension of this sort is not enough to justify what was done. Nothing could justify it except the presence of immediate urgent necessity, and of this his Excellency has no evidence whatever in the papers before him.

11. The apprehension that a general insurrection was imminent, and could be averted by the means taken, and not otherwise, might have the effect of excusing Mr. Cowan, to a greater or less extent, if it rested upon reasonable grounds, but the papers disclose only a slight, if any, grounds for such an apprehension. Upon this subject what Mr. Cowan says, if any, grounds for such an apprehension. Upon this subject what Mr. Cowan says, has to show is some ground for thinking that when "this miserable attempt at rebellion," as he calls it, "had been stamped out," a summary execution would, and that punishment in the common course of law would not, deter other persons from rebelling.

13. With

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CORRESPONDENCE RELATING TO

13. With regard to Mr. Forsyth's proceedings, they would appear to have been legal; but his Excellency in Council fails to perceive the necessity for such extreme and indiscriminate severity as Mr. Forsyth displayed.

14. His Excellency in Council awaits the explanations of the officers concerned upon these points, together with an expression of his Honor's views upon the whole matter, and will reserve final orders on the subject till they have been received and fully considered. Meanwhile, as you have been already informed by telegraph, his Excellency in Council thinks it necessary to maintain the instructions in paragraph 3 of my letter, No. 122, dated 24th ultimo, that Mr. Cowan be suspended from office.

(No. 17 of 1872.)

From Government of India to Her Majesty's Secretary of State for India.

To Secretary to
Chief Commissioner
of British Burmah,
No. 470, dated
10 March 1872.
To Secretary to
Government of
Punjab, No. 472,
dated 10 March
1870.

My Lord Duke,

Fort William, 15 March 1872.

IN continuation of our Despatch, No. 14, dated the 16th ultimo, we transmit, for your Grace's information, a copy of the correspondence noted in the margin, showing that we have deemed it expedient to remove Ram Sing, the Kooka leader from Allahabad, and to order his detention in safe custody to British Burmah.

2. We await the reply of the Lieutenant Governor of the Punjab to our letter, No. 472, before determining on the course to be pursued with respect to the other State prisoners named on the margin of the 3rd paragraph of that letter.

(No. 28 of 1872.)

From Government of India to Her Majesty's Secretary of State for India.

My Lord Duke,

Fort William, 2 May 1872.

Judicial, to Secretary of State :

No. 7, dated 10th January 1872.

No. 9, dated 2nd February 1872.

No. 12, dated 2nd February 1872.

No. 14, dated 16th February 1872.

No. 17, dated 15th March 1872.

IN continuation of our Despatches noted on the margin, we transmit, for your Grace's information, copy of further papers, noted in the annexed list, relating to the recent disturbances by Kúkas at Malodh and Malehr Kotla, the summary execution of the Kúka prisoners at the latter place, and the conduct of Mr. Cowan, Deputy Commissioner of the Ludiana District, and Mr. Forsyth, Commissioner of the Amballa Division, in connection therewith.

2. We beg to refer to our Letter to the Punjab Government, No. 857, dated the 30th ultimo, and to the Memorandum mentioned in the 2nd paragraph thereof, for full details of the circumstances of this painful case, and of the grounds on which we have determined to remove Mr. Cowan from the service, and to transfer Mr. Forsyth from his present appointment in the Punjab to a position in another Province in which he will not have to superintend the judicial proceedings of a Native State. We have also recorded our opinion that Mr. Forsyth should not in future be employed on similar duty.

3. In directing Mr. Cowan's removal from the service, we have done so with deep regret, both on account of his previous good character and conduct, and because he acted with promptitude in the first instance in concerting measures for the repression of the Kúka movement. We propose to address your Grace in the Financial Department, requesting that Mr. Cowan may be admitted to the benefit of a pension.

From *L. P. Griffin*, Esq., Officiating Secretary to the Government of the Punjab, to *E. C. Bayley*, Esq., c.s.i., Secretary to the Government of India (No. 59 c.); dated Camp, Karnal, 7th February 1872.

5. THE attacks on Malodh and Malair Kotla, following so immediately one after the other, decided his Honour the Lieutenant Governor to deport Ram Singh and his most prominent Soobahs from the Punjab, and the information which has since been received and forwarded to the Government of India, together with the evidence forming the enclosures to this

this letter, taken in connection with the proceedings at Amritsar and Raikot, and the evidence recorded for several years past of the tendency of the Kooka teaching, and the character of its teachers, confirm the Lieutenant Governor in the conviction that the deportation was necessary. His Honor is also of opinion that Ram Singh and his Soobahs should be confined at a distance from the scene of their intrigues, at such a place and in such a manner as to render their rescue or escape, or return to the Punjab, impossible.

6. The evidence against Ram Singh, previously collected, has been considerably strengthened by that now obtained. His own statement recorded by Mr. Forsyth, Commissioner of Ambala, is conclusive as to his knowledge of the intentions of his followers to put a stop to the slaughter of kine by the murder of butchers, for which he admits that his permission was asked before the perpetration of the crimes at Amritsar and Raikot. Ram Singh states that he refused permission, but it may be presumed that the direct evidence as to his complicity by permission or instigation is true, since his followers would not have adopted a line of conduct of which their chief had expressed disapproval, and the Kooka teaching for some time past had denounced cow-killing as a practice which should be stopped.

7. It is impossible to disconnect Ram Singh from the action taken by his followers in the recent outbreak. It was from the village of Bhainee that the band departed on their expedition, and it is shown that the information which Ram Singh was at first stated to have given to the police of the intentions of the party was of the most meagre description, and given, not voluntarily, but after express interrogation by the deputy inspector. The evidence in the present proceedings is summed up by the Commissioner in the note dated the 1st February, which forms an enclosure to the present proceedings. This evidence affords strong proof that there was an intention of an organised rising of the sect in the Punjab, although it is probable that the undisciplined eagerness of some of the Kookas precipitated matters and ensured the failure of the design. The opinion of Native gentlemen of known loyalty regarding the tendency of the teaching of Ram Singh, and the objects at which he aimed, was entirely in accordance with that at which the Honourable the Lieutenant Governor has arrived, and his Highness the Maharajah of Patiala and other influential Native gentlemen had strongly advised the arrest and removal of Ram Singh from the country.

8. As regards the execution at Malair Kotla, his Honor would call particular attention to the evidence given in Appendix IV. It is sufficient, joined to the probabilities of the case, to prove that, had the gang of Kookas been successful at Kotla, their numbers would soon have been considerably swelled, and it would be impossible to contemplate, without much anxiety and alarm, even the temporary triumph of a fanatical mob appealing to the rooted and wide-spread prejudice against kine-killing.

9. In the opinion of the Lieutenant Governor it was an object of very great importance to check the gang at once and completely, and he thinks that great allowance must be made for the operation of this well-grounded conviction in the mind of an officer placed in the position of Mr. Cowan. Doubtless that officer felt deeply that it depended on his action whether this fanatical outbreak was to be quelled once for all, or whether, from hesitation, delay, or false mercy on his part, it was to gain head, and at the cost of much bloodshed and confusion grow into a serious religious insurrection. There can be no question that the frequent reports made of fresh bodies of Kookas being in the neighbourhood, threatening further attacks, together with the uncertainty as to the state of things elsewhere, were calculated to deepen his sense of responsibility, and apparently had the effect of bringing him to the desperate resolution he ultimately arrived at.

10. The Lieutenant Governor is not of opinion that the evidence now submitted indicates that the immediate retirement of the bands of Kookas who were observed moving towards Kotla was the result of the executions ordered by Mr. Cowan, for in nearly every instance they are said to have gone back on the 16th, the day the attack took place, whereas the executions were carried out on the morning of the 17th. Their retirement appears to have been caused really by the attack having been beaten off by the Kotla people. Still these reports made of the approach of fresh bands, and his ignorance of their further movements, naturally tended to increase Mr. Cowan's anxiety and to confirm him in his conviction that the circumstances called for, and justified, the immediate infliction of exemplary punishment.

11. The defects in Mr. Cowan's proceedings are patent. He recorded no evidence of witnesses of defence, or the criminals, although there appears to have been time to have done so on the 16th. He hurried on the executions, although the prescribed reference to the Commissioner would not have caused 24 hours' delay. Above all, he included, without selection of ringleaders and instigators, in one common capital sentence all the persons (excepting women and children) known to have been concerned in the attack.

12. But without desiring to disguise the precipitancy, the undisciplined presumption, or the unmeasured severity of Mr. Cowan's conduct, the Lieutenant Governor cannot lose sight of the countervailing considerations. He did no injustice. The crimes punished were deliberately planned and committed, were fraught with the utmost alarm to society from the secrecy of their conception, and the suddenness and desperation of their execution. It is true that the purpose was not accomplished; but there was not one of the criminals whose

whose life was not strictly forfeited to public justice. So much may be said, even if those outrages are looked upon simply as municipal offences, but it is impossible so to regard them; there is not only much evidence, but also a universal agreement amongst persons qualified to judge, showing that, originating in a carefully stimulated religious fanaticism, they had a political object, every step in the attainment of which threatened the most serious disturbance of the existing order of things. Hence not only was every one of these criminals' life forfeited to public justice, but it was essential to the maintenance of public authority that a striking example should be made. Mr. Cowan had for some time past officiated as Deputy Commissioner of the Ludiana District, in which are the head-quarters of the Kooka Sect. He had the best opportunities of judging of the nature of their organisation, and the tendency of their designs. As a magistrate, he has brought to conviction some of its members, and his life has been threatened in revenge. On hearing of the outrages under notice, he acted with promptitude in immediately proceeding to Maloth, and with forethought in summoning the troops of the protected States, and his informal and unauthorised sentences were, the day after their execution, supported by the deliberate pronouncement of similar sentences, by the authority to whom Mr. Cowan ought previously to have referred, on 16 similar offenders.

13. The Lieutenant Governor does not underrate the necessity for holding officers in the exercise of public authority strictly responsible that the forms and procedure prescribed for their guidance are exactly observed; nor does he deny that an officer of cooler head and greater forethought, or even one more fearful of responsibility than Mr. Cowan, would have vindicated in such a crisis the assailed rights of public order and political authority with more circumspection and discrimination. But, on the other hand, these very occurrences exemplify the difficult position officers may be placed in, and the dilemma to which minds not, perhaps, exceptionally strong, and necessarily much disturbed and excited, may be exposed. And the Lieutenant Governor cannot blind himself to the consequences of the growth of a belief that the only course that can be followed with personal safety is the cautious adherence to technical forms, and the studied evasion of individual responsibility. Where, therefore, as in the present case, his Honor sees no cause to doubt but that the proceedings, however, in his opinion, hasty and irregular, were taken in good faith as necessary to the public safety, and however indiscriminate, impolitic, and unduly severe, involved, nevertheless, no absolute injustice, the Lieutenant Governor holds that he chooses the lesser public evil in not withholding his support to irrevocable acts.

In compliance, however, with the instructions contained in your letter, No. 122, dated 24th January, Mr. Cowan has been placed under suspension, and the Lieutenant Governor can only ask for a careful consideration of the papers herewith submitted.

From *Lepel H. Griffin*, Esq., Officiating Secretary to the Government of the Punjab, to *E. C. Bayley*, Esq., C.S.I., Secretary to the Government of India (No. 72 c.); dated Camp Dadhopur, the 12th February 1872.

WITH reference to the order for the suspension from office of Mr. Cowan, Officiating Deputy Commissioner, Ludiana, conveyed in para. 3 of your letter, No. 122, dated 24th January, I am desired to forward, for submission to his Excellency the Viceroy and Governor General, copy of a letter from Mr. Cowan, dated 9th February 1872.

From *L. Cowan*, Esq., Officiating Deputy Commissioner of Ludiana, to *T. D. Forsyth*, Esq., C.B., Commissioner and Superintendent, Ambala Division; dated Ludiana, the 9th February 1872.

I HAVE the honour to acknowledge receipt of your Memorandum, dated 7th instant, forwarding extract from a letter of the Secretary to Government, Punjab, to your address, dated the 6th idem, directing my suspension from office until further orders. I only await the arrival of Major Parsons to make over charge of the district to him.

2. This degradation was most unexpected by me. I had hoped that my proceedings, irregular though they were, would, under the grave circumstances of the case, have met with the approval of Government. I entertain the hope that the order for my suspension was written before the evidence, so strongly confirmatory of the belief entertained by me at the beginning, reached the Government of India.

3. I have reported before that I did not carry out the executions at Kotla recklessly or thoughtlessly. I knew how great was the responsibility I was incurring; I knew that grave disapproval of my conduct by Government would, in all probability, be followed by dismissal from the service of Government, and to me, and to those dependent on me, dismissal means ruin and beggary. But I incurred this great risk in the belief that the preservation of the peace of the country required the severe measures of repression adopted by me, and that no more lenient measures would have had the same effect.

4. If

THE KOOKA OUTBREAK.

29

4. If I have unfortunately failed to convince the Government that such severe measures were necessary, I will beg that 23 years of faithful service, during which time I have repeatedly received the thanks of Government, may be weighed against this one irregular proceeding. I have never been accused of cruelty. I have never, in my recollection, raised a hand to strike a native.

5. I shall feel obliged by your forwarding this letter to the Secretary to the Government of the Punjab, with the request that it may be transmitted, should his Honor the Lieutenant Governor think fit, to the Government of India.

Dated Ambala, the 10th February 1872.

Endorsed by the Commissioner and Superintendent of Ambala Division.

FORWARDED to the Secretary to the Government of the Punjab.

From *L. H. Griffin*, Esq., Officiating Secretary to the Government of the Punjab, to *E. C. Bayley*, Esq., C.S.I., Secretary to the Government of India (No. 76 C.); dated Camp Mahiana, the 14th February 1872.

I AM desired to forward, for the information of the Supreme Government, copy of the proceedings of the Commissioner of Ambala, in the trial of Kookas concerned in the recent outbreak.

COURT OF SESSIONS, AMBALA DIVISION.

CASE No. 1., of 1872.

THE CROWN *versus* - - -

1. Bhugwan Singh.
2. Gyan Singh.
3. Thumman Singh.
4. Mehr Singh.

Charge.—Dacoity with murder, Section 396, Indian Penal Code.

Arrangement of File.

1. Calendar, charge, and opening sheets.
2. Report of Civil Surgeon, Ludiana.
3. Other evidence for prosecution.
4. Examination of accused before committing Magistrate.
5. Defence.
6. Opinion of Assessors.
7. Finding and sentence of Sessions Judge.

CORRESPONDENCE RELATING TO

CALENDAR of PRISONERS Committed by the Deputy Commissioner of Ludiana in the Month of January 1872, to take their Trial before the Sessions Judge.

Name, Parentage, Residence, Caste, and Age of Accused.	Offence, and the Date on which Committed.	FOR PROSECUTION.						DEFENCE.	
		To the Fact.	To the Apprehension.	Medical Evidence.	Finding and identity of Property or Body.	Character.	Other Evidence.	Defence.	Character.
1. Bhugwan Singh, son of Ram Singh, Kooka. 2. Gyan Singh, son of Dulla Singh, Kooka. 3. Thumman Singh, son of Abbul Singh, Kooka. 4. Mehr Singh, son of Goolaba, Kooka.	Dacoity with murder (committed on the 11th January 1872)	1. Dassundhee. 2. Kishna. 3. Soobha. 4. Hari Singh. 5. Sirdar Buddan Singh. 6. Nihal Singh.	7. Sahib Singh. 8. Ram Singh. 9. Vandeer. 10. Nathwa. 11. Basawa.	—	—	—	12. Sarfraz Khan, Deputy Inspector. 13. Dhenkal Singh. 14. Kirpa. 1. Dassundhee. 2. Kishna. 3. Soobha. 7. Sooba Singh. 5. Sirdar Buddan Singh. 6. Nihal Singh. 4. Hari Singh. 15. Dewa Singh.	—	—
NAMES.	Date of Apprehension.	Whether on Bail or in Prison.							
Accused 1, 2, 3, 4 -	14th January 1872 -	In Prison.							

ABSTRACT OF CASES.

Against the four accused—Bhugwan Singh, Gyan Singh, Thumman Singh, and Mehr Singh—The evidence is clear and conclusive. They are wounded, and were taken in the very act of committing the offence with which they are charged. Their presence at the place of capture is incompatible with Innocence. Some further inquiry must be made into the conduct of the remaining three prisoners, who are forwarded to the District Superintendent of Police for separate inquiry and chaulan.

The accused Nos. 1 to 4 are committed to take their trial before the Sessions Judge, this 10th day of January 1872.

This order is explained to them. They have no witnesses.

Camp Malair Kotla, 19 January 1872.

L. Cowan, Magistrate.

CHARGE.

I, L. COWAN, Esq., Magistrate of Ludiana, hereby declare that Bhugwan Singh, accused, on or about the 15th January 1872, committed dacoity with murder, and has thereby committed an offence punishable under Section 396, Indian Penal Code, and I direct that he be tried on the said charge by the Sessions Court.

15 January 1872.

L. Cowan, Magistrate.

CHARGE.

I, L. COWAN, Esq., Magistrate, hereby declare that Gyan Singh, accused, on or about the 15th January 1872, committed dacoity with murder, and has thereby committed an offence punishable under Section 396, Indian Penal Code, and I direct that he be tried on the said charge by the Sessions Court.

15 January 1872.

L. Cowan, Magistrate.

THE KOOKA OUTBREAK.

31

CHARGE.

I, L. COWAN, Esq., Magistrate, hereby declare that Thumman Singh, accused, on or about the 15th January 1872, committed dacoity with murder, and has thereby committed an offence punishable under Section 396, Indian Penal Code, and I direct that he be tried on the said charge by the Sessions Court.

15 January 1872.

L. Cowan, Magistrate.

CHARGE.

I, L. COWAN, Esq., Magistrate, hereby declare that Mehr Singh, accused, on or about the 15th January 1872, committed dacoity with murder, and has thereby committed an offence punishable under Section 396, Indian Penal Code, and I direct that he be tried on the said charge by the Sessions Court.

15 January 1872.

L. Cowan, Magistrate.

No. of Sessions for the Month of January 1872.

PROCEEDINGS of a Court of Sessions held by T. D. Forsyth, Esq., C.B., Sessions Judge of the Ambala Division, at Malodh, Ludiana district, on the 19th day of January 1872, with the aid of the following assessors: (1) Mir Hashum Khan Bahadur, Ressaldar; (2) Gholam Kadir, Superintendent of Aub; (3) Maatub Singh, Lumberdar of Daooda.

THE CROWN versus -
 1. Bhugwan Singh, of Ram Singh, Kooka.
 2. Gyan Singh, of Dalla Singh, Kooka.
 3. Thumman Singh, of Abbel Singh, Kooka.
 4. Mehr Singh, son of Goolaba, Kooka.

Charge.—Dacoity with murder, Section 396, Indian Penal Code.

Committed by Deputy Commissioner of Ludiana at Ludiana on the 19th January 1872. The charge is read and explained to the prisoner, who acknowledged it to be correct.

T. D. Forsyth,
 Sessions Judge, Ambala Division.

MEMORANDUM of Papers transferred from the Magistrate's File to the Sessions' File, and read out as part of the Proceedings of this Court.

Calendar.

Charge Sheets.

Report of Civil Surgeon, Ludiana.

Evidence of Sirdar Buddun Singh taken by Mr. L. Cowan.

Examination of the four accused before the committing Magistrate.

From J. Ince, Esq., M.D., Civil Surgeon, Ludiana, to the Deputy Commissioner, Ludiana; dated Ludiana, the 18th January 1872.

I HAVE the honour to report that, about 8 a.m. on Monday, the 15th instant, I received your verbal instructions, through the superintendent of police, to proceed without delay to Malodh for the purpose of examining and reporting upon the persons killed and wounded during the attack by the Kookas upon that place the previous evening. I at once laid out my horses and joined you at Malodh between 2 and 3 p.m. the same day, having been somewhat delayed in the latter portion of the journey by rain.

My hospital assistant, Mirza Ameer Beg, accompanied me with medicines, instruments, and surgical appliances.

2. The following statement shows the number of persons I examined:—

PERSONS.	Killed.	Wounded.	TOTAL.
Malodh men - - -	2	2	4
Kookas - - - -	2	4	6

356.

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3. Of

CORRESPONDENCE RELATING TO

Malodh men.
Killed.

3. Of the Malodh men who have been killed, one was Boota, the Sirdar's coachman who was wounded in five places, the chief one being across the right temple, probably by a "gundassa," and the skull was fractured; the other was Nubbee Bux, a Munshree, who had received five very severe sword wounds, two of which were across the back of the neck, and by which his head was nearly severed from his body.

Wounded.

4. Of those wounded was the young Sirdar himself, Buddun Singh, who had received six wounds, three of which were probably sword-cuts, one by a gundassa, and two by sticks; fortunately they were all slight, but that across his left lower jaw, a sword-cut, about four inches long, will leave an indelible scar. The other, Nihal Singh, received three slight sword wounds, one across the right cheek, and two others upon the left hand and wrist.

Kookas.
Killed.

5. Of the dead Kookas, No. 1 had an incised wound over the left cheek bone, and a fractured skull. No. 2 had an incised wound across the front part of the head, and also a fractured skull. The expression of these two bodies was a most fiendish one, and contrasted horribly with the placid faces of the two Malodh ones, which were lying beside them in the same shed; indeed, the scene afforded a striking proof of the fact that the state of the mind, or rather its facial reflection at the moment of death, is as lasting as the attitude of the remaining portions of the body.

Wounded.

6. Of the four wounded, Gahani Singh had received a bullet wound on the right arm, a little below the shoulder-joint, causing a very severe and comminuted fracture of the bone. Phagwan Singh had a slight contused wound on the back of the right elbow, and a contusion on the back. Thummun Singh had a slight contused wound about half an inch long just above the left elbow, and three slight contusions upon the head. Lastly, Meer Singh had a contusion over the left hip, at the slightest touch of which he cried out very vociferously, and out of all proportion to the apparently slight injury he had sustained.

Visitation of Malair
Kotlah.

7. About 7 a.m. the next day (the 16th) I started on the same duty for Malair Kotlah, as the Kookas had made a still more formidable attack upon the latter town the morning after their assault upon Malodh. After a very disagreeable ride in a drizzling rain across country, which, owing to the very heavy rain, was here and there several inches deep in mud and water, I reached Kotlah about 10 a.m., and the following is a detailed account of the killed and wounded I there examined;—

PERSONS.	Killed.	WOUNDED.			Total.	GRAND TOTAL
		Very Severely.	Severely.	Slightly.		
Kotlah men - -	8	2	4	9	16	23
Kookas - -	7	1	1	- -	2	9

Kotlah men.

8. The eight Kotlah men who were killed had all been burned or buried before my arrival, but I was informed that one was the Kotwal and the other seven sepoyas.

Wounded.

9. The names of the two who were very severely wounded are Hafiz Ali Shere, Moonshree, who received five sword wounds, one across right side of the head, another across left side of face, another across right side of the neck, and another upon the lower hip; but the worst was that across the left temple, by which the skull was fractured; and Guinda, a sepoy, who received a sword wound upon the top of the head, which probably caused a fracture, and another slighter one upon the right arm.

The names of the four who were severely wounded are—

Meara Buksh	-	-	-	a sword-cut across left wrist.
Munda	-	-	-	"
Kara	-	-	-	"

and Susea, whose thumb and two first fingers of the left hand were cut off, and who is said to have killed the Kooka who maimed him. The names of the nine who were slightly wounded were, Beera, with four sword wounds; Gunda, three sword wounds across the fingers of the left hand; Kumma, two wounds, a sword puncture and a contusion; Maiho, several contusions by a *latti* or stick; Subadar Shahdul Khan, one sword-cut upon the left arm, near the wrist; Abdool Ruheem Khan, one sword-cut; Gholam Mohamed (who said he killed three Kookas himself), one sword puncture; Khudia, one contusion upon the head; and Deena, one contused wound.

Kookas.
Killed.

10. The bodies of the seven Kookas who had been killed I found lying in pools of blood, and heaped together upon the floor of a small room near the Treasury; their attitudes were various, but the expression of the faces was nearly the same in all, and no less fiendish than that of their dead comrades at Malodh. They had been terribly hacked about with swords,

THE KOOKA OUTBREAK.

33.

swords, chiefly about the heads and chests, and most of them had received several wounds; the head of one was nearly severed from the body, and the right arm of another was completely separated half way above the elbow, and was lying beside the corpee.

11. Of the two wounded Kookas, one was Wazeer Sing, who had received a dangerous sword wound, about five inches long, over the region of the spleen, and another, but slighter one, upon the left shoulder. Of the other wounded person only the severed right hand was picked up after the fight. I found it lying amongst the dead bodies, and satisfied myself that it was not a part of either of them, but really a member belonging to another. Wounded.

12. After examining the dead bodies, and visiting all the wounded which have been above described, most of whom were, except the Kookas, lying at their own houses in the town, and giving advice and directions regarding their treatment, I left them in charge of the native medical officer attached to the dispensary there. I then returned to the spot where the principal fighting had taken place; and, having written and despatched to you the demi-official account of what I saw on arrival at Kotlah, the particulars of the Kooka attack, the gratifying news of the capture of so many of the fugitives by the Patiala Tehsildar of Sheerpore, and some other matters, I prepared to return to Ludiana, which I reached about 8 o'clock the same evening. Conclusion.

THE CROWN *versus* 1. BHUGWAN SINGH; 2. GYAN SINGH; 3. TUMMUN SINGH;
AND 4. MEER SINGH.

WITNESS No. 1 for Prosecution, *Surfraz Khan*, Deputy Inspector of Police of Sanchwal, Ludiana District.—States on solemn affirmation: On the 11th of this month I went to Bhainee to keep order at the fair there. The fair was over on the 12th. On the 13th in the morning, I heard that a body of *mustanas*, Kookas, had separated themselves from the rest. The Lumberdar and chowkeedar told me of this, and said they were up to mischief. I then went at once to Ram Singh, and said I wished to speak to him alone. He said, these people, i.e., Hira Singh and Lehna Singh, residents of Lukrundee in Patiala, are heads of this body, and won't obey my word. I said "Why, what is their intention?" He gave me no answer, and only said they had become *mustana*. I asked him to give me a list of their names. He gave me a list of 13 men. I gave that list afterwards to the office. I have a copy here, and read it: "Lehna Singh, son of Mehtab Singh; Hira Singh, head; Anoop Singh, Oodam Singh, Nund Singh, of Hadaya; Jogha Singh, Wuryam Singh, Bhag Singh, of Mehraj; Narain Singh, of Rur; Sahib Singh, Soojan Singh, Gyan Singh, and Khan Singh, of Bulhera."

He said he knew no more. I asked how many men there were altogether; he said about 50 or 60. I then told Soobhoo Lumberdar, Dowlut Ram Lumberdar, Bhugwana Chowkeedar, and Kullander Khan, Serjeant, to inquire how many men there were collected in this separate body at a well close to Bhainee.

They reported the number to be about 100. After this I said to Ram Singh, "You explain to them that they are to commit no disturbance, and send them away." He went, and, putting his cloth round his neck, said to them, "Go to your homes, and don't make a row, or it will be worse for me." They replied, "Give us some food, and we will go." He fed them, and they went away, and Ram Singh reported their departures.

I then sent the Serjeant and Hurree Singh to follow them, and find out which way they should go. They went to Rampore Kuttian, in the Patiala territory.

When they reached Patiala territory the Serjeant and others returned and reported the fact. I at once wrote information to the Thanadar of Doraha. I then came to Ludiana by the evening train, and at 10 P.M. informed the district superintendent of police, and then the deputy commissioner.

I was then ordered to go to the different Vakeels and inform them.

There were about 1,000 Kookas at the fair. They were occupied in reading and reciting passages, but no one said anything.

The *mustana* gang frequently expressed their intention of going to Kotlah.

Certified that the above evidence was read over to the witness in the Oordoo language, which he understood, and acknowledged by him to be correct.

T. D. Forryth,
Sessions Judge, Ambala Division.

THE CROWN *versus* ONE BHUGWAN SINGH AND THREE OTHERS.

WITNESS No. 2 for Prosecution, *Dhonkul Singh*, son of *Maha Singh*; Age 30 years; Caste, Rajpoot; Resident of Malodh; Occupation, Cultivator.—States on solemn affirmation: I am durwan, and was on duty at the gate of the town on the evening of the 14th, when town lamps were lighted.

I was sitting at the gateway, when suddenly a number of men, Kookas, perhaps 200, came in. They seized my hands and tied them behind my back, and placed a guard of four men

CORRESPONDENCE RELATING TO

men over me. They passed on, and when they came back, and went out, my son untied my arms. They were in the fort about an hour or so. There was some fighting, and the Kookas ran out.

Prisoners do not cross examine.

T. D. Forsyth,
Sessions Judge, Ambala Division.

Certified that the above evidence was read over to the witness in the Oordoo language, which he understood, and acknowledged by him to be correct.

T. D. Forsyth,
Sessions Judge, Ambala Division.

THE CROWN *versus* BHUGWAN SINGH AND THREE OTHERS.

WITNESS No. 3 for Prosecution, Kirpu, son of Oodam; Age 28 years; Caste, Khatri; Resident of Malodh; Occupation, Shopkeeper.—States on solemn affirmation: Absent at Kotlah.

T. D. Forsyth,
Sessions Judge, Ambala Division.

THE CROWN *versus* ONE BHUGWAN SINGH AND THREE OTHERS.

WITNESS No. 4 for Prosecution, Dussundhee, Son of Luhya; Age, 40 years; Caste, Teylee; Resident of Malodh; Occupation, Teylee.—States on solemn affirmation: I am a syce in the employ of the Sirdar Mith Singh. I was in the stables when the Kookas came. My brother, Bnota coachman, told me to get out of the way, and I went to my house from fear. But I heard a noise and went out, and found my brother killed. I hit about and my stick was broken. They took two mares away with them. I only got a blow on my arm; no mark left.

I recognised Puhara Singh. He was on a mule. I knew him, because he was born here. He came inside riding his mule. There is another man whom I can identify if I see him. He was wounded on the leg. I recognise No. 2 Gyan Singh also. He asked me for a horse, but I would give none. Then they attacked my brother.

Certified that the above evidence was read over to the witness in the Oordoo language, which he understood, and acknowledged by him to be correct.

T. D. Forsyth,
Sessions Judge, Ambala Division.

THE CROWN *versus* BHUGWAN SINGH AND OTHERS.

WITNESS for Prosecution, Natheca.—States on solemn affirmation: About 10 a.m., the day after the dacoitee, I went to village Arori. At the well near it I saw some one sitting in his blanket. I asked who he was; he said, a *sadh*. I seized his blanket, and he called out, "Don't, my leg is broken." I then knew he was a Kooka, so had him apprehended. I recognise him as Mehr. Kurri is not a mile from Malodh.

Certified that the above evidence was read over to the witness in the Oordoo language, which he understood, and acknowledged by him to be correct.

T. D. Forsyth,
Sessions Judge, Ambala Division.

THE CROWN *versus* BHUGWAN SINGH.

WITNESS No. 5 for Prosecution, Kishna, son of Thakur Singh; Age, 25 years; Caste, Rajpoot; Resident of Malodh; Occupation, Chuprassee of Sirdar.—States on solemn affirmation: I am chuprassee of the Ludiana Court, in service with Sirdar Buddun Singh. I was in the Cutcherry building in the evening, when about 18 or 20 Kookas came in. I was sitting about two paces from Kaze Nubhee Bukh. They demanded arms. The Moonshee said he had none. They then attacked him with axes on the neck and killed him. I got a blow from a stick on the back. It was night. I could recognise no one. I ran away. The Moonshee was killed in my presence. Purboo, another chuprassee, was there, and he attacked the Kooka, and got a slight wound in return. I do not recognise anyone. The Moonshee was seated and was dragged out, and asked for arms, and because he gave none was murdered. I then ran out, leaving the Kookas inside, and went to Khea, a village close by, and roused the people. About 90 men came with me, and stopped the door,

THE KOOKA OUTBREAK.

35

door of the village, and there was a scuffle. I know nothing about the capture of these Kookas now in Court.

Certified that the above evidence was read over to the witness in the Oordoo language, which he understood, and acknowledged by him to be correct.

T. D. Forsyth,
Sessions Judge, Ambala Division.

THE CROWN *versus* BHUGWAN SINGH.

WITNESS No. 6 for Prosecution, *Dewa Singh*, Son of *Jaimal Singh*; Age, 18 years; Caste, Jât; Resident of Malodh; Occupation, in service of Sirdar.—States on solemn affirmation: When the Kookas came I was in my father's house. About 20 men came in, and one of them struck my mother on the wrist, and asked for arms and for the keys to open the boxes in our house. They took away a double-barrelled gun belonging to my father, also a *tulwar* belonging to the Sirdar. I could not identify the men; it was night.

Certified that the above evidence was read over to the witness in the Oordoo language, which he understood, and acknowledged by him to be correct.

T. D. Forsyth,
Sessions Judge, Ambala Division.

THE CROWN *versus* BHUGWAN SINGH.

WITNESS No. 7 for Prosecution, *Hurree Singh*, Son of *Sher Singh*; Age, 60 years; Resident of Malodh; Occupation, service of Sirdar.—States on solemn affirmation: I am servant to Sirdar Buddun Singh. When the Kookas came in, Sirdar Buddun Singh had come from shooting, and it was eventide. I was sitting by him when some 10 or 12 Kookas came in and called out "*futteh*," and attacked him. They asked for arms and horses. There was a scuffle, and all came outside the room. There they wounded the Sirdar by blows on the neck and head. He then seized an axe from one of them and laid about him with it, and they fled. They abused him, saying he was a friend of Maharaja and a child of the English. Bishen Singh and Nihal Singh were there at that time. I was merely pushed. There was no wound inflicted on me.

Certified that the above evidence was read over to the witness in the Oordoo language, which he understood, and acknowledged by him to be correct.

T. D. Forsyth,
Sessions Judge, Ambala Division.

THE CROWN *versus* BHUGWAN SINGH.

WITNESS No. 8 for Prosecution, *Sahib Singh*, Son of *Gurdas Singh*; Age, 40 years; Caste, Jât; Resident of Kheri.—States on solemn affirmation: On the evening when the Kookas came I was in my village, when a chuprassee and sweeper came calling out that dacoit had attacked the village. I and my fellows turned out to the number of about 90 and ran to the gate of the Malodh Town; found it shut and protected by the Kookas, as we had to go out and enter by a bastion. I went first along the street and found that the coachman had been killed. We all collected, and there was a general fight, and four of their number were struck down and captured. I did not go into the bazaar. There may have been men killed. I do not recognise any dacoit, nor can I do so now. I thought they were ordinary marauders, but people all said they were Kookas. I had a *latti* in my hand; so had others. My lumberdars came out, too, to the rescue. Of the four now in Court, two were captured just outside the town near the *moree*, and two about 200 yards outside. It was dark. I don't recognise the men, but I knew they had been seized. My villagers had no arms, only sticks and stones. I got a wound on my shoulder, and many were wounded with stones and sticks. Of the four men who were brought in two died. Two others were apprehended in the morning. Of the four men brought in at night, all were more or less wounded.

Certified that the above evidence was read over to the witness in the Oordoo language, which he understood, and acknowledged by him to be correct.

T. D. Forsyth,
Sessions Judge, Ambala Division.

CORRESPONDENCE RELATING TO

THE CROWN *versus* BHUGWAN SINGH.

WITNESS No. 9 for Prosecution, *Soolah*, Son of *Abbela*; Age, 20 years; Caste, Goojar; Resident of Maloth; Occupation, Syce in service of Sirdar Buddun Singh.—States on solemn affirmation: I am syce in Sirdar Buddun Singh's service. On the evening of the daicotee about 20 Kookas came into the yard where I was. Some passed on upstairs. They took away 16 horses out of the stables. I came back, having been released by the inhabitants pelting the dacoits with bricks. They succeeded in carrying four excellent horses away. I did not recognise anyone. I hid from fear when they came, and did not get wounded.

Certified that the above evidence was read over to the witness in the Oordoo language, which he understood, and acknowledged by him to be correct.

T. D. Forsyth,
Sessions Judge, Ambala Division.

Transferred to Sessions File, the Sirdar being too ill to attend Court.

THE 10th January 1872. *Sirdar Buddun Singh* for Prosecution on Solemn Affirmation.—On evening of 14th, about half past-six p.m., I was seated in this room. About 12 or 13 men armed came up to the door, and came in. At first they salamed, then seized me by the hair and dragged me to the door. They said, "You give assistance to the English; that is not good. You are a relation of the Maharnjah's." After being dragged across the doorway I seized an axe out of the hand of one of the Kookas and struck the men who were holding me with it. Before I seized the axe I was wounded in three or four places with a sword. They then ran away; they lighted a blue light (*mehtab*) to light them up my stairs. I identified one of the accused, *Lukka Singh Soubah*. He did not speak. I have often seen him. They asked for arms and saddles for the horses they had taken.

L. Cowan, Magistrate.

THE CROWN *versus* BHUGWAN SINGH.

WITNESS for Prosecution, *Ram Singh*, Son of *Goorditta*; Age 30 years; Caste, Jat; Resident of Sumul Khan; Occupation, Lumberdar.—States on solemn affirmation: I was present at the outside of the wall when two men wounded were captured and brought in. I do not recognise faces now, for it was quite dark at the time; but these men were caught and brought in. Two men had already been raptured when I saw the men captured at the *moree* and brought in. Out of the four men caught at night, two died. In the morning two more were caught and brought in.

Certified that the above evidence was read over to the witness in the Oordoo language, which he understood, and acknowledged by him to be correct.

T. D. Forsyth,
Sessions Judge, Ambala Division.

THE CROWN *versus* BHUGWAN SINGH.

WITNESS for prosecution, *Sunder*, Son of *Jain*; Caste, Blahun; Resident of Maloth.—States on solemn affirmation: On the morning after the dacoitee I was going outside the village for a necessary purpose, and saw a man going along very slowly. He was wounded on his arm, and he asked me the way to Kubbenwal. I asked where he was going to, and he said to Kotlah. I ran on and told that a Kooka was outside, and the Thanadar then went out and brought him in. I recognise *Tummun Singh* as the man apprehended.

Certified that the above evidence was read over to the witness in the Oordoo language, which he understood, and acknowledged by him to be correct.

T. D. Forsyth,
Sessions Judge, Ambala Division.

(11.)

EXAMINATION OF ACCUSED.

16th January 1872. *Bhugwan Singh*, Son of *Ram Singh*, Kooka of Nuggul, Patiala. accused No. 1.—I went to Bhainee five days before *Maghee*. I went alone from my village, I did not join any gang. The Kookas who were seated near me talked of going to loot Kotlah. *Lehna Singh* and *Hira Singh* of Lukrundee were among them. There were about 50 or 60 men who planned to attack Kotlah. I don't know who first originated the idea, but I heard everyone saying that they would get horses and arms at Kotlah. There was no mention of Malodh at Bhainee. No one asked me to join them; it was my fate to join them. I do not see any Kookas among the party. This gang were not *mustanas*. This party were separate from all the others at a well of *Ram Singh*, about 300 paces from the village. They belonged to different villages. On the 13th, after eating food at noon, we all left Bhainee. There were about 50 or 60 in all. There were no swords with us. There were a few small *gandassas*. I did not hear anyone say that they would be revenged for *Gyanee's* death. I know that we were going to Kotlah to seize horses and arms. I do not know what it was intended to do after we got the horses and arms. We all went together from Bhainee, and gaining by *Pael* in the Patiala State reached Rubboo on the Patiala border 2½ *coss* from Malodh, when a watch of the night had gone (probably 10 p.m., 13th January). We did not stop at any village on the road to Rubboo. I do not know if any others joined in, or supplied arms on the road or not. I had only a stick in my hand. I was mounted on my mare (worth rupees 2-8-0). We rested that night and Sunday in Rubboo at a well outside the village. People from the village brought bread to us. I do not know their names. We all left when two *ghurrees* of the day remained. There was no *Soobah* with us. I did not see any one with *tulwars*. A few had axes, and the rest sticks. I did not know we were coming to Malodh till we reached the village. *Hira Singh* and *Lehna Singh* were our leaders. There were the same number when we reached Malodh as when we left Bhainee. I arrived at Malodh, and came in to village with the others on horseback. I am lame. I came only as far as the oilman's shop, where oil was taken from. I did not join in the attack. I sat on my mare in the bazaar, whilst the others attacked the house and cutcherry. A little while after the Kookas began to run away, and bricks were thrown from the roofs of the houses. I was struck in several places, and fell off mare. I was also struck by *latti* and seized. I only know the names of *Hira Singh* and *Lehna Singh* of the dacoits. I make this confession voluntarily. I do not know the names of the two Kookas who were killed.

The confession above recorded contains accurately the whole statement of accused, and to the best of my belief no influence was used to make the confession.

L. Cowan, Magistrate.

THE CROWN versus BHUGWAN SINGH.

Charge—396, Indian Penal Code.

No. I.—DEFENCE.

BHUGWAN SINGH, Son of *Ram Singh*; Caste, Kooka; Residence, Nuggul Ilauqa, Patiala, having pleaded guilty, says the statement he made before the magistrate is quite correct; it is read over to him, and there adds: I am not an enemy of the Government. I came with the party to see what was going on, not to plunder. I am lame, and does it look as if I was fit to commit a dacoitee? I rode on horseback. I was not present when the conversation took place between *Lubba Singh* and *Heera Singh*, but I heard at the well, where we were all collected at Bhainee, that he had promised to join us.

The above contains the whole of the statement made by accused in my presence.

T. D. Forsyth.

(12.)

EXAMINATION OF Accused No. 2, *Gyan Singh*, Son of *Dulla Singh*, Kooka, of Pholayree, Patiala.—I went to Bhainee on the 11th; I stayed there two nights. *Thunmun Singh*, my nephew, went with me. About 10 or 12 Kookas worked themselves into a frenzy (*mustana*). A number joined them till there was about 100. They were shouting out that they would have an exchange for *Gyanee*, who was hanged. *Heera Singh* and *Lehna Singh* were the leaders.

356.

F 3

leaders. I do not know the name of any others. On the second day the party left the village. I followed them with Thumman Singh, and joined them at Pael. They asked me to come to Kotlah with them, that they would there get arms and horses. They said they would first loot Kotlah, then Sungroor, then Nabha, then Patiala. I joined them and came on to Rubboo. At Bhainee Lukka Singh and Hurnam Singh, Soobahs, came and sat down with the *mustanas*. I heard Heera Singh say to them that they were going to take revenge for Gyanee's death, and would first go to Kotlah for horses and arms. The Soobahs said, "We will follow you, go on to Kotlah. I came from Pael to Rubboo with the gang. Remained a night and day in Rubboo. Heera Singh bought food in the village out of his own pocket and gave to us. We remained at a well about 500 paces from village. The people of Rubboo did not know for what purpose we were there. We all left Rubboo in evening. There was only one *tulwar* with Lelina Singh, some had gundassas, and some axes and sticks. I had a stick only. At Rubboo I and Thummun Singh were going to our houses. Heera Singh asked us to come with him as far as Kotlah. We were not told we were to loot Malodh. We arrived at gate of Malodh at dark. On the road I heard it counselled to come to Malodh, as there were 40 horses and arms to be had here. I came inside with the others. It was arranged that all those with sticks were to go and guard the small gate. I went there with Thumman Singh, Uttur Singh and another, whose name I do not know. A little after 10 or 12 men attacked us with sticks and bricks, and Uttur Singh and my fourth companion were killed. I was wounded by a shot in the right arm, and Thummun Singh was wounded. I fell, and was taken there. I do not know the names of any of the others of the gang. I make the confession voluntarily. At Bhainee Ram Singh came to us, and said—"Oh brother, do not create a disturbance!" and told us to go to our houses at once, as we would not obey him.

L. Cowan, Magistrate.

The confession above made contains accurately the whole of accused's statements, and no influence was used to make the confession.

L. Cowan, Magistrate.

Charge 396, Indian Penal Code.

DEFENCE.—Gyan Singh, son of Dullah Singh: Caste, Kooka; residence, Pholayree; having pleaded guilty, the statement made by him before the magistrate is read out and acknowledged to be correct. He adds: I am a friend of the Sirkar. I served in the cavalry; I have done nothing wrong. I did not know what was going to be done. When Labba came to talk to the *mustanas*, Heera Singh said, "We are going to Kotlah and Jhind, and Nabha and Patiala, to revenge ourselves for the part they took in Gyan Singh's death. If you are a poor lot (*pajee*) don't come; but, if not, come with us. Labba Singh said, go, I will come afterwards. Hurnam Singh was there, but said nothing."

The above contains the whole of the statement made by accused in my presence; it was read over to accused, who acknowledged it to be correct.

T. D. Forsyth, Commissioner.

(13.)

EXAMINATION of accused, Thummun Singh, son of Athel Singh, Kooka, of Pholayree, Accused No. 3.—I am Gyan Singh's (accused No. 2.) nephew. I went after him to Bhaince, and left after him on the 13th. I joined him and about 100 Kookas in Rubboo. I joined them. They said they were going to Kotlah to get horses and arms. I do not know for what purpose they wanted horses and arms. My uncle did not tell me. We left Rubboo in the evening, and arrived at the village at time of lighting lamps. I had nothing in my hand. I did not come inside the village. I went and stood outside the Moree. I did not know the others were going to loot Malodh. I thought they were passing through on their way to Kotlah. I went alone outside (deponent will not explain why he separated himself from the others). I was outside and heard noise and sounds of fighting, and a number of men ran out of the village and attacked me (deponent has wounds on the left arm and head). I fell down, and was arrested at once. I make this confession voluntarily. I do not know the names of the two Kookas who were killed.

The confession above recorded contains accurately the whole of the statement made by accused, and to the best of my belief no influence, by means of any promise, threat or otherwise, was used to make the above confession.

L. Cowan, Magistrate.

16 January 1872.

THE KOOKA OUTBREAK.

625
39

THE CROWN *versus* BHUGWAN SINGH.

Charge—Section 396, Indian Penal Code.

DEFENCE.

Tummun Singh, son of *Albel Singh*; Caste, Kooka; age, ; residence, ; occupation, .—Having pleaded, his statement made before the magistrate is read and acknowledged to be correct, and adds: I only went to the fair. I had no stick, no arms. I did not know we were coming to plunder Malodh. I am not a Kooka; I am a Jat.

The above was read over to accused, who acknowledged it to be correct; it contains the whole of the statement made by him in my presence.

T. D. Forsyth, Commissioner.

EXAMINATION of accused, *Mehr Singh*, son of *Golaba* of *Alauulpore*, Jullundhur district, 16 January 1872.—I went to Bhainee for the Maghee and stayed there one day. I saw Heera Singh and Lehna Singh, Mustanas, with many other Kookas, but I don't know what they were doing. I did not see any Soobahs with them. I did not see Ram Singh go to them and tell them not to make a disturbance. I left Bhainee alone, leaving all these Mustanas at Bhainee. I came to Rubboo intending to go to Hosinpore to visit a friend. The Mustanas all arrived after me. Then says: "The Mustanas arrived at Rubboo before me. I did not join them. They did not ask me to join them. I left 'Rubboo' with them on the following evening. I did not know where they were going. I came to Malodh with them; I went to a well outside town. I was alone. Heera Singh gave me food at 'Rubboo.' After I had been a little while at the well outside the village, a number of men came and seized me and beat me. I was arrested there."

L. Cowan, Officiating Deputy Commissioner.

ORDER.—Against the accused, *Sahib Singh*, there was sufficient evidence to warrant putting him on his trial. I await a report from the police before examining him and the other two remaining accused.

16 January 1872.

L. Cowan, Magistrate.

ORDER.—A report is received that *Ram Singh*, leader of the Kookas, has been detained by the heavy rain, but will soon be here. The excuse is a reasonable one as notice was given to him only yesterday about 1 P.M., and it has rained ever since.

As I am about to start for Kotlah notice is given that *Ram Singh* may return to Bhainee. He will be summoned to Ludiana on my return if necessary.

Adjourned.

16 January 1872.

L. Cowan, Magistrate.

THE CROWN *versus* BHUGWAN SINGH.

Charge—Section 396, Indian Penal Code.

DEFENCE.

Mehr Singh, son of *Golaba*; Caste, Kooka; age, ; residence, ; occupation, .—Having pleaded not guilty, his statement made before the magistrate is read over to him and acknowledged to be correct. (This prisoner is in great pain and cannot move, his leg being broken.) He adds: I came as far as the Shewalla just at the gate of the village. I was wounded by a lathee between the Shewalla and the gate. After this I went to the well in Rooian and was apprehended next day.

The above contains the whole of the statement made by accused in my presence; it was read over to accused, who acknowledged it to be correct.

T. D. Forsyth, Commissioner.

CORRESPONDENCE RELATING TO

THE CROWN *versus* BHUGWAN SINGH.

Charge—Dacoity with murder: Section 396, Indian Penal Code.

Opinion of Assessors.—In their opinion, after hearing the evidence for prosecution, the offence is fully proved against all the prisoners. They were all arrested on the spot and are wounded; besides, they confessed their guilt.

(True translation.)

19 January 1872.

Gunga Bishen, Clerk of Court.

THE CROWN *versus* BHUGWAN SINGH, GYAN SINGH, TUMMUN SINGH, MEHR SINGH.

Dacoity with murder: Section 396 Indian Penal Code.

The history of this case is as follows:

At an assembly of Kookas at the Maghee fair in Bhainee on the 11th and 12th January, it was decided by a party of Kookas, who had worked themselves into a state of frenzy and excitement, that Gyani Singh Soobah's death must be avenged. Heera Singh and Lehna Singh of Sekrowndee in the Patiala Territory were some of the leaders, if not the chief men in this business. The Deputy Inspector hearing of their excited state went to Ram Singh, the Kooka Guru, and asked the intention of these men. He gave no answer, merely saying they were Mustana.

Subsequently Ram Singh having given the Deputy Inspector the names of 13 men, "Mustana," went to them and begged the gang to go away to their homes, and commit no row. They asked for food from him and then went away.

Two of the prisoners now on their trial say that Lukka Singh Soobah came to the gang, when he was called on to join, to avenge Gyani Singh's death, or he was a *pajie admi*. Lukka Singh then promised to follow. This may have been said by him merely to get rid of them. They declared their intention of going to Kotlah, Jheend, Nabha, and Patiala, to take revenge on these states because of the part taken by them in hunting down the perpetrators of the Raikot murder.

From inquiries made in the case disposed of at Kotlah it appears that the attack was first directed against Kotlah as being a weak and notoriously misgoverned state, that they might get arms and money with which to attack the other places.

A gang of about 100 Kookas left Bhainee on the 13th and halted for the night at Rubboo. Next day as they passed towards Kotlah it was suddenly determined to attack Malodh, where Sirdars Mit Singh and Budden Singh live. The party of Kookas arrived at the gate just at dusk. They took possession of the gate, and proceeding through the bazaar, where they dropped sentries at cross streets, so as to secure their retreat, made straight for Sirdar Mit Singh's house. Entering the gateway they found some stables on the left, and Boota Coachman. He was called on to give up his horses, and on refusing was immediately cut down and killed. Dhowkul Singh Durwan, witness No. 2, had his hands tied behind him at the gate. Dussunda, witness No. 4, saw his brother Boota murdered.

The party then passed on to the house, and in one court-yard found the Sirdar Moonshoe Nubbee Buksh, and killed him. Kishna Rajpoot deposes to the fact.

Opposite to this court-yard is Sirdar Budden Singh's house. A party of from 12 to 18 went in, seized his horses, and going up-stairs to his room, pretending to pay their respects, abused and attacked the Sirdar, who with great gallantry turned on his assailants, and seized an axe, and laid about him right and left. The party then took flight and were pursued down the bazaar by the inhabitants, who attacked them with sticks, guns, bricks, &c.

The men of the opposite village, Kheree, came to assist and drove off the Kookas.

In the fight six men of the Kooka party were wounded, two died; of the remaining four, two, Bhugwan Singh and Gyan Singh, were captured just outside the wall and brought in at once.

Witnesses Sahib Singh and Ram Singh depose to the capture of these men, and Sundee deposes to the apprehension of Tummun Singh just outside the village next morning.

Nuthana deposes to seizing Mehr in the village of Rui, not a mile distant from Malodh, next morning.

All the rest escaped and attacked Kotlah, but all or nearly all were captured, and that case having occurred in independent jurisdiction has been disposed of by the Commissioner in his capacity as agent.

There is not the slightest doubt as to the intentions or acts of the party to which these four prisoners belong, and I can see no reason for not recording the sentence in which all who are concerned in dacoity with murder are involved.

The assessors are unanimous in finding the parties guilty; their statements, in fact, admit guilt.

For

OS.7
THE KOOKA OUTBREAK.

41

For two reasons, however, I hesitate to put into execution the extreme penalty of the law. Severe examples have just been made at Malair Kotlah, and there is room now for a display of clemency.

The second reason is that all the prisoners are more or less severely wounded. Two have broken limbs, and possibly the life of one is in danger. I therefore remit the sentence of death, and pass a sentence of transportation for life against all four prisoners.

Malodh,
19 January 1872.

T. D. Forsyth,
Commissioner and Sessions Judge.

THE CROWN *versus* BHUGWAN SINGH, &c.

Charge—Dacoity with murder : Section 396, Indian Penal Code

THE Court concurring with assessors finds that Bhugwan Singh is guilty of the offence specified in the charge, namely, that Bhugwan Singh has committed the offence of dacoity with murder, and has thereby committed an offence punishable under Section 396 of the Indian Penal Code; and the Court directs that the said Bhugwan Singh be transported for life.

19 January 1872.

T. D. Forsyth,
Sessions Judge, Ambala Division.

THE CROWN *versus* GYAN SINGH, &c.

Charge—Dacoity with murder : Section 396, Indian Penal Code.

THE Court concurring with assessors finds that Gyan Singh is guilty of the offence specified in the charge, namely, that he has committed the offence of dacoity with murder, and has thereby committed an offence punishable under Section 396 of the Indian Penal Code; and the Court directs that the said Gyan Singh be transported for life.

19 January 1872.

T. D. Forsyth,
Sessions Judge, Ambala Division.

THE CROWN *versus* TUMMUN SINGH, &c.

Charge—Dacoity with murder : Section 396, Indian Penal Code.

THE Court concurring with assessors finds that Tummun Singh is guilty of the offence specified in the charge, namely, that he has committed the offence of dacoity with murder, and has thereby committed an offence punishable under Section 396 of the Indian Penal Code; and the Court directs that the said Tummun Singh be transported for life.

19 January 1872.

T. D. Forsyth,
Sessions Judge, Ambala Division.

THE CROWN *versus* MEHR SINGH, &c.

Charge—Dacoity with murder : Section 396, Indian Penal Code.

THE Court concurring with assessors finds that Mehr Singh is guilty of the offence specified in the charge, namely, that he has committed the offence of dacoity with murder, and has thereby committed an offence punishable under Section 396 of the Indian Penal Code; and the Court directs that the said Mehr Singh be transported for life.

19 January 1872.

T. D. Forsyth,
Sessions Judge, Ambala Division.

CORRESPONDENCE RELATING TO

PROCEEDINGS in the Case of the 16 Men tried at Malair Kotlah.

Malair Kotlah Jurisdiction *versus* Malair Kotlah State.

- | | |
|--|---------------------------------------|
| 1. Albel Singh, Kooka of Balaon, Patiala. | 8. Sham Singh, Jagah, Patiala. |
| 2. Roor Singh, Mulu Majra, Patiala. | 9. Hera Singh, Pittoo Ke, Nabha. |
| 3. Kaiara Singh, Gillan, Nabha. | 10. Baggat Singh, Kangla, Patiala. |
| 4. Saitha Singh, Rubboo, Ludiana. | 11. Hakim Singh, Jubbal, Amritsar. |
| 5. Anroop Singh, Sakrondee, Patiala. | 12. Varriam Singh, Mehraj, Ferozepur. |
| 6. Sobha Singh, Rubboo, Ludiana. | 13. Sobha Singh, Baddal, Nabha. |
| 7. Varriam Singh, Chuna Bahadoor Singh, Ludiana. | 14. Soojun Singh, Rubbu, Ludiana. |
| | 15. Bela Singh, Rubbu, Ludiana. |
| | 16. Jourhir Singh, Bolean, Patiala. |

Charge.—"Dacoity with Murder" at Kotlah on the morning of the 15th January 1872.

Niaz Ali for Prosecution on Solemn Affirmation.—18th January 1872.—I am Naib Nazim of Ummergurh, in the Patiala State. On the 15th instant, about noon, a zemindar of Burr came and reported to me at Sherepur that a body of Kookas had created a disturbance in Kotlah and had come to "Burr." I went at once with three sowars and a mohurrir to "Burr;" arrived there about 1 p. m. I saw 68 Kookas in the jungle about 30 or 40 paces from the village, of whom 29 were wounded, some only with contusions. The villagers had all fled out of fear. I asked them where they had come from; they said they had come after attacking Malodh and Kotlah. I told them to give up their arms. Some agreed to give up arms, others refused, and they disputed about it. At last they gave up 16 *tulwars*, one spear, and a number of *gundasses*, axes and sticks. The swords before the court are those they gave up. I arrested them and took them to Sherepur. There were no troops or people of Kotlah there. I got no information from Kotlah. There were four horses with them, three of them belong to the Sirdars of Malodh and one to some one in Kotlah. They had also a Kotlah chupprasee's badge with them. I identify the horses out of court. The 16 men before me and the two women were among the Kokas I captured. The leaders were Heera Singh and Lehna Singh, of Sakrondee, and Gurmakh Singh, a lumberdar of Phariwai, in Kotlah. They told me they had left Bhainee with the intention of killing the cow-killers in Kotlah, and that on the road they turned off to get arms in Malodh. They did not tell me what they intended to do after leaving Kotlah. I told them it was no use to resist; that, though they might overpower me, the Maharajah would not leave a man alive. After taking the arms, I collected a number of men and escorted the Kokas to Sherepur, four *kos* from "Burr." I kept the prisoners a day at Sherepur and then sent them to you at Kotlah.

L. Cowan.

Accused do not question.

(No. 16.)

Punjab Singh for Prosecution on Solemn Affirmation. 18th January 1872.—I am lumberdar of Ramnuggur, in the Patiala State, and a durbaree of the State. On the 15th I sent out Niaz Ali to "Burr." My village is on the road from Sherepur to "Burr." I saw about 70 Kookas in the jungle outside the village, and the village deserted. After some dispute they gave up their arms to Niaz Ali. There were 16 *tulwars*, a spear, and a number of axes and *gundasses*. There were four horses. I identify the arms shown to me. All the swords were marked with blood, and many were without sheaths. About 20 or 25 were wounded severely. They said they had come from Bhainee to massacre the people of Kotlah who killed cows, and went to Malodh to get arms. The 16 men and two women now before me were among those whom I took to Sherepur. The four horses outside court are those taken from them.

L. Cowan.

Accused do not question.

(No. 17.)

Narain Singh for Prosecution on Solemn Affirmation. 18th January 1872.—I am the Mookhtear of Sardar Mith Singh, of Malodh. Three of the horses, two mares, and one horse outside court are the property of Sardar Mith Singh and his son, Buddun Singh. They were stolen from Malodh, on the evening of the 14th instant, by a gang of dacoits, who wounded the Sardar, Bhugwan Singh, and killed two men.

L. Cowan.

Accused do not question.

One of the swords shown to me was stolen from Malodh at the same time.

L. Cowan.

THE KOOKA OUTBREAK.

43

(No. 18.)

EXAMINATION of Accused No. 1, *Albel Singh*, Kooka. 18th January 1872.—I went to Bhainee for the Maghee festival four or five days ago. I met Heera Singh and Lehna Singh there. I left Bhainee with them and about 120 others. There was no talk about going to Kotlah. They said they were all going to their homes. I went with them to Rubboo; remained a night there. Next day we all went to Malodh. In the evening Heera Singh told us to come with him to Malodh and he would give us arms to kill the slayers of cattle. I remained in the bazaar when the others went into the fort. No Soobah came with us. When the gang left Malodh I accompanied and came to Kotlah. Heera Singh said the cow-killers were there. I came into the city with the others as far as the *Kella Gate*. I don't know who our guide was. I followed Heera Singh. I found a sword in Kotlah. I wounded a man with a sword before the Treasury. I don't know who he was. I then ran away with the others and went to *Burr*, where I was seized the same day by the Naib Nazim. No Soobah incited us at Bhainee to commit the outrage. Heera Singh at Bhainee and at several other places has asked me to join him in killing the killers of cows. The man I wounded was killed by one of my companions. I don't know if any joined us on the road from Bhainee. Several Kookas came to us and several left us. Ram Singh told us to leave Bhainee. I don't know why. I make this confession voluntarily.

L. Cowan.

Confession.

T. D. F.

(No. 19.)

EXAMINATION of Accused No. 2, *Roor Singh*, Kooka of Patiala. 18th January 1872.—I went to the Maghee fair at Bhainee. I joined the Kookas who were with Heera Singh and Lehna Singh. We did not speak about killing cow-killers; but the thought came into my heart to do so. I left Bhainee after Heera Singh and the party. I joined them next morning in *Rubboo*. I was going to my home. No one at Rubboo asked me to join them. I left Rubboo with the party and joined them at Malodh. In my heart I thought that we would get arms in Malodh. God told me. I went into the town, but remained in the gateway by God's order. I did not go further. When the Kookas returned I came with them and went to Kotlah. No one told me to go. I went. I came into the town and remained outside the gate of the palace. I had a stick. I joined in the fight before the Treasury, but did not strike any one. I did not get a weapon. We ran away; a number remained behind. I don't know if they were killed or not. The men whose corpses were shown to me were with us, but I don't know their names. I went from Kotlah with the others to "*Burr*," where I was captured. I don't know if all the other accused were in Kotlah with us or not. I don't know if any left our gang after we left Kotlah.

L. Cowan.

Confession.

T. D. F.

(No. 20.)

EXAMINATION of Accused No. 3, *Kaisra Singh*. 18th January 1872.—I went to Bhainee for the Maghee Melâ. I sat near where Heera Singh and Lehna Singh were. They did not advise me to join them in any enterprise. God put it into my heart to go with them. No Soobah spoke to us. (This last remark is voluntarily.) I left Bhainee with them. We went together to "*Rubboo*," and from Rubboo to Malodh. God ordered me to go there. No one else told me. I went inside, but stayed outside the fort gate, whilst the others went in. I had not even a stick. I then came with the party to Kotlah. I came inside the town to the palace gate. I was in the fight before the Treasury, but had no arms. I don't know who killed the Kotwal. I don't know who showed us the road in; I followed others. We came to Kotlah by God's order to kill the slayers of kine. From Kotlah we went to *Burr*, where we were captured. The whole gang was captured at Burr. None left us on the road.

L. Cowan.

Confession.

T. D. F.

(No. 21.)

EXAMINATION of Accused No. 4, *Saitha Singh*. 18th January 1872.—I went to Bhainee on the Maghee. I did not hear any counsel taken there to kill or rob. I followed the gang of Heera Singh and Lehna Singh to my house in Rubboo. I went with them to

356.

G 2

CORRESPONDENCE RELATING TO

to Malodh the following evening. There were in all 50 men; all Kookas. I went inside, but stayed at the outer gate. I don't know why we went there. I went because Heera Singh and Lehna Singh went. From Malodh I went with the rest to Kotlah. Came inside of palace inclosure. I had a stick. I was in the fight, but did not hit any one. I left Kotlah with the others. I did not get a sword in Kotlah. We all came to "Burr." None left us on the road. At "Burr" we were captured. The men whose corpses have been shown to me were with us in Kotlah. I don't know their names. The other accused were all with us in Malodh and Kotlah.

Confession.

T. D. F.

L. Cowan.

(No. 22.)

EXAMINATION of Accused No. 5, *Arroop Singh*. 18th January 1872.—I went to Bhainee for the Maghee. I went with Heera Singh and Lehna Singh, who are of my village. No counsel was taken at Bhainee. I left Bhainee with Heera Singh and a number of Kookas. I don't know how many. I went to "Rubboo." From Rubboo to Malodh. I stayed at the outer gate by order of Heera Singh. I did not go to the Fort. I went from Malodh to Kotlah. I remained outside. Was not in the fight. When the rest ran out I joined them, and went to "Burr," where I was captured.

Confession.

T. D. F.

L. Cowan.

(No. 23.)

EXAMINATION of Accused No. 6, *Sobha Singh*, of Roobbu. 18th January 1872.—Came from Rubboo with the gang; did not go to Bhainee. Then says, I did not see Lehna Singh or Heera Singh in my village. The night of the row at Malodh I was in my village all night. On the 15th I left my home to go to the Pharwar Mela. On the road as I was passing "Burr," I was arrested with the other accused. (I was alone.) I have no witnesses. (Pharwar is between Rubboo and Burr.) I lost my road.

L. Cowan.

This man was with the gang, and, from the geographical position of Pharwar and Burr, it is evident he was not going to Pharwar.

See statement of accused Nos. 3 and 4, as to all present being with gang at Malodh and Kotlah.

T. D. F.

(No. 24.)

Kurriam Singh, Accused No. 7. 18th January 1872.—I went to Bhainee for the Maghee fair. I saw Heera Singh there. I left Bhainee with him. He said nothing to me at Bhainee, but on the road he spoke about the killing of cows, and asked me to come to Kotlah and stop it. I went to Malodh with him. I stayed in the bazaar outside the gate of the fort. Was not engaged in the fight. Then I came to Kotlah; came to the palace yard; was in fight, but did not hit any one. I had only a stick with me. I then went to "Burr;" I followed Heera Singh. I was captured at "Burr."

L. Cowan.

Confession.

T. D. F.

(No. 25.)

EXAMINATION of Accused No. 8, *Sham Singh*. 18th January 1872.—Went to Maghee Mela at Bhainee; met Heera Singh and Lehna Singh there. No counsel was held about cow-killing. I left Bhainee alone about noon; that night I put up at Kotlah under a tree outside the town. I did not eat any food there. I have no witnesses that I was there alone. That morning I went to "Burr," which is on the road to Jagah. I put up in the house of Muhtab Singh, Kooka. A lumberdar, whose name I don't know, saw me. I was in Mehtab Singh's house when I was seized. I was not with the other Kookas when I was seized.

Inas Ali

THE KOOKA OUTBREAK.

45

Inaz Ali re-examined.—When Sham Singh was seized he was sitting with the other Kookas, and dressing their wounds.
Sham Singh—continued. I was formerly in service of the Jhind Raja, and dismissed for being a Kooka.

L. Cowan.

Confession of being at Kotlah. The case is clear against this man of being with the gang. See statement of accused Nos. 3 and 4.

T. D. F.

(No. 26.)

EXAMINATION of Accused No. 9, *Heera Singh*. 18th January 1872.—I went to Bhainee for the Maghee. I left Bhainee with Sham Singh (preceding witness who said he left alone). Came to Kotlah, stayed under a tree, and next morning went to "Burr." Put up in house of Heera Sing. His brother, whose name I don't know, was there. He is a Kooka. I went out for a necessary purpose, as Heera Singh and Kookas were being arrested, and I was arrested with them. I have no witnesses.

L. Cowan.

This man was not seized in a house. The whole gang were taken in a body. He confirms that he was at Kotlah. See statements of accused Nos. 3 and 4.

T. D. F.

(No. 27.)

Buggut Singh, Accused No. 10. 18th January 1872.—I went to Bhainee for the Maghee Mela. I saw Heera Singh and Lehna Singh there. I joined their party.

These two preached against cow-killing, and they said they were going to Kotlah to kill the killers of the kine, and invited us to accompany them. No Soobah came near us. Ram Singh came and told us not to make a disturbance there, but to take our food and go. A great many Kookas were in a state of frenzy. I was not. I went with them to Rubboo, then to Malodh, inside outer gate, then to Kotlah to palace yard. I had a stick; I was in the fight, but did not hit any one. I did not get any arms. We went first to the treasury. Heera Sing said that, after getting arms, we would kill the killers of cows. We ran away to "Burr," where I was seized. We had many wounded with us, therefore we remained together. I did not hear that we were to go anywhere after leaving Kotlah. Lehna Singh and Heera Singh were wounded in Kotlah, therefore we were dispirited and gave up the game.

L. Cowan.

Confession.

T. D. F.

(No. 28.)

EXAMINATION of Accused No. 11, *Hakim Singh*, 17th January 1872.—I did not go to the Maghee Mela at Bhainee. I went to Ambala to search for service 25 days ago. I lived with Sobha, a police havildar. I was formerly acquainted with him. I stayed four days with him. I asked Tehl Singh in the police to get me service. I don't know what his appointment was. I think he was a Munshi. He did not take me to any superior officer. I don't know if they will give evidence for me or not. I left Ambala 15 or 16 days ago. Went to Sooghur; put up with my "Nankee." I don't know how many days I stayed there. I don't know who lives next to my "Nankee" in Sooghur. From Sooghur I went to "Burr."* I went there in search of service. I do not know any one in "Burr." I sat down outside; other Kookas came up, and I was seized with them. I have no witnesses.

* What service is to be found at "Burri?"

L. Cowan.

This man was seized with the others of the gang in a body. His story about sitting down outside, and being joined by other Kookas, is quite incredible. He is a native of Amritsar. See statement of accused 3 and 4.

T. D. F.

CORRESPONDENCE RELATING TO

(No. 29.)

EXAMINATION of Accused No. 12, *Kurrian Singh*, 18th January 1872.—I went to the Maghee fair at Bhainee. I met Lehna Singh and Heera Singh there, and I joined their party. They told us to fight for our religion, and asked who would follow them. I left Bhainee with them on afternoon of 13th. About 60 or 70 other Kookas were with us. We went to Rubboo, then to Malodh for arms. I went into bazaar, but did not enter fort. I did not fight. Then I came with the gang to Kotlah, entered palace-yard, had a stick, joined in fight, and struck several persons with my stick. Then fled with the others to "Burr," where I was apprehended. I did this because God told me to do so.

Confession.

T. D. F.

L. Cowan.

(No. 30.)

EXAMINATION of Accused No. 13, *Sobha Singh*, 18th January 1872.—I went to the Maghee Mela at Bhainee, and went with Heera Singh's party to Rubboo, then to Malodh, and afterwards to Kotlah. At Malodh I went into fort, but did not attack any one. At Kotlah I went into palace-yard; was in the row; did not strike any one. I had a stick only; then I went to "Burr," where I was captured. I went by order of Heera Singh to Malodh and Kotlah.

Confession.

T. D. F.

L. Cowan.

(No. 31.)

EXAMINATION of Accused No. 14, *Sujan Singh*, 18th January 1872.—My home is at "Rubboo." I joined Heera Singh at "Burr." I did not go to Kotlah or Malodh with them. I went to "Burr" six days ago for the Phurwar Mela (Phurwar is beyond "Burr"). I did not go to Phurwar because Gurmukh Singh did not go there. I am not Gurmukh Singh's servant, or in any way connected with him. I lived in "Burr" for one day in the house of a man whose name I do not know. I went out and sat down with some Kookas who were outside the village and was seized. I have no witnesses for my defence.

L. Cowan.

Niaz Ali's statement is clear that all the 65 Kookas were in the jungle 30 or 40 paces from the village of "Burr," and said they had come from Kotlah. All the villagers of "Burr" had fled out of fear. I consider this man's statement quite incredible. See statements of accused Nos. 3 and 4.

T. D. F.

(No. 32.)

EXAMINATION of Accused No. 15, *Bela Singh*, 18th January 1872.—I did not go to Maghee Mela when they came to my village (Rubboo). I joined them and went to Malodh; I went to bazaar. Then I went to Kotlah and entered the town. I stayed outside palace gate. I had no arms. I was not in the fight, but saw it. We went to Kotlah to kill the killers of cows.

L. Cowan.

Confession.

T. D. F.

(No. 33.)

EXAMINATION of Accused No. 16, *Jowahir Singh*, 18th January.—I went to the Maghee Mela at Bhainee. I left alone and joined Heera Singh at Rubboo. I went with them to Malodh and stayed at the outer gate. I then came to Kotlah, and came as far as the palace-gate. I did not join in the fight. I then went to "Burr," and was captured there.

L. Cowan.

Confession.

T. D. F.

ORDER.

THE KOOKA OUTBREAK.

47

ORDER.—The whole of the accused in this case were captured immediately after the attack on the town of Kotlah. They had in their possession arms which were deeply stained with blood, and property stolen from the State of Kotlah and Sirdar of Malodh. The whole of the accused make admissions which amount to confessions of guilt, and of their guilt no reasonable doubt can be entertained. The offences these men have committed are no ordinary ones. They have committed an act of open rebellion, and deserve the severest penalty of the law. I commit the accused for punishment to the Commissioner and Agent for the Kotlah State.

18 January 1872.

L. Cowan, Magistrate.

The conduct of certain officials of the Patiala State has been most praiseworthy. Considerable intelligence and courage were displayed by Niaz Ali, Naib Nazim, in the capture of so formidable a gang with the aid of only a few followers. His attendants, too, are deserving of rewards for the prompt and ready aid they rendered to him. I recommend the following rewards:—

To	Niaz Ali, Naib Nazim	-	-	-	-	-	-	Rs.
"	Punjab Singh, Darbaree	-	-	-	-	-	-	1,000
"	Izmaik Singh, who gave the information	-	-	-	-	-	-	300
"	Mustan Ali	-	-	-	-	-	-	200
"	Ootum Singh	-	-	-	-	-	-	100
"	Ruttan Singh	-	-	-	-	-	-	50
"	Golab Singh	-	-	-	-	-	-	50
"	Pertab Singh	-	-	-	-	-	-	50

L. Cowan.

KOTLAH STATE *versus* ALBEL SINGH and fifteen others, Kookas.

Charge.—Dacoity with murder at Kotlah on the morning of the 15th January 1872.

THIS case has been conducted by the Deputy Commissioner, Ludiana, on behalf of the Kotlah authorities; the Nazim and Tehsildar sitting with him and conducting the trial.

The evidence of Niaz Ali and Punjab Singh shows that a compact body of 68 or 70 Kookas were found by them in the jungle outside the village of "Burr," which place had been deserted by the villagers through fear. When interrogated, these men all acknowledged that they had come from Kotlah. Swords, one spear, axes, and gundasses, were in their hands and covered with blood. The statements furnished by the Nazim establish the fact of the attack upon the palace and treasury of Kotlah, the murder of the Kotwal and seven of his men, besides wounding of 15 more.

It is impossible to discriminate now between those who actually struck the blows which caused the death of these men, nor at this present moment would it be wise to display leniency towards a gang, every one of whom is, according to law, equally liable to the same punishment. The intentions of the gang are clearly indicated by their leader Ram Singh, *vide* his statement made before me at Ludiana on 10th. As regards prisoners Nos. 1, 2, 3, 4, 5, 7, 10, 12, 13, 15, and 16, their statements are ample confessions of their being actually inside Kotlah. Nos. 8 and 9 admit being at Kotlah. Nos. 6, 11, and 14 admit being with the gang when caught, and their admissions, coupled with the statements made by accused 3 and 4, leave no doubt in my mind that they were of the gang, and therefore are equally liable to punishment.

I concur with the committing officer, and confirm the sentence of death against all to be carried out into immediate execution.

T. D. Forsyth,

Commissioner and Superintendent, and *ex-officio* Agent
to the Lieutenant Governor, Punjab.

Kotlah,
18 January 1872.

The remaining prisoners caught, but who it appears were not taken with this gang, will be dealt with separately.

T. D. F.

THE meritorious conduct of the Patiala officials having been certified by the Deputy Commissioner, Ludiana, I sanction the rewards to each as recommended by him. The money to be paid from the Kotlah revenues. Provision is also to be made for the families of the Kotwal and others who fell gallantly defending the palace and property of the Malair Kotlah State; the details will be settled in consultation with the Nazim of Kotlah.

Kotlah,
18 January 1872.

T. D. Forsyth,
Commissioner

CORRESPONDENCE RELATING TO

From *E. C. Bayley, Esq., C.S.I.*, Secretary to the Government of India, to *L. H. Griffin, Esq.*, Officiating Secretary to the Government of the Punjab (No. 569); dated the 22nd March 1872.

WITH reference to your letter, No. 76 c, dated the 14th ultimo, and the previous correspondence, relating to the trial and punishment of the Kookas concerned in the recent outbreak, I am directed to state that a paper drawn up by Mr. Forsyth, and containing the following passage, has been confidentially communicated to the Viceroy and the Governor General:—

"On reaching Ludhiana on the evening of the 16th, I received a letter from Mr. Cowan, expressing his desire to execute his prisoners at once. I wrote requesting him to leave all the men caught by the Patiala authorities in their charge till I could send out a guard to bring them into Ludhiana for trial. This letter Mr. Cowan must have received some time before he executed any."

2. This statement is directly contrary to the distinct assertion of Mr. Cowan, in the correspondence submitted by the Punjab Government. It is also contrary to the spirit of Mr. Forsyth's own account of the same incident in that correspondence. In his letter, No. 10, dated the 17th January last, to the address of the Commissioner of Umballa, Mr. Cowan refers to a communication which he had received before the execution terminated, when the last batch of prisoners was being tied to the guns; and this account is corroborated by Lieutenant Colonel Perkins, in his journal having reference to the same event.

3. Mr. Forsyth, in the correspondence submitted by the Punjab Government, extenuates the conduct of Mr. Cowan, by stating that his official letter and orders regarding the Kookas did not reach Mr. Cowan till the execution was over, making no mention of a demi-official letter which had reached Mr. Cowan sooner, though he alludes to the demi-official letter elsewhere. In the extract subjoined to paragraph 1 above, Mr. Forsyth speaks of having written a letter which Mr. Cowan must have received "some time before he executed any."

4. It is not clear whether this statement refers to some letter of which no official mention has been made, or to the demi-official letter mentioned by Mr. Cowan and Mr. Forsyth. If the former hypothesis be correct, the circumstance that the letter was not brought officially to the notice of Government should be explained. The latter hypothesis is inconsistent with the assertion of Mr. Cowan, which assertion was before Mr. Forsyth when the paper which forms the subject of my letter was drawn up by him.

5. These are points which, in justice to Mr. Cowan, should be cleared up. With this view I am desired to request that, under the orders of his Honor the Lieutenant Governor, you will be good enough—

(1) To obtain a copy of the letter referred to by Mr. Forsyth as having necessarily reached Mr. Cowan before the execution, and of the demi-official letter which is stated to have been delivered to Mr. Cowan during the execution, if there were two separate letters;

(2) if there was only one letter, to obtain from Mr. Forsyth a statement of the grounds on which he founded his belief that that letter must have reached Mr. Cowan before the execution;

(3) to obtain from Mr. Cowan an exact account of the circumstances under which the earliest letter from Mr. Forsyth reached him, of the hour at which it was delivered to him, of the place in which it found him, and of the number of Kooka prisoners who remained alive at the instant at which he became aware of its contents; and

(4) to obtain from Lieutenant Colonel Perkins a statement of the same character.

From *L. Griffin, Esq.*, Officiating Secretary to the Government of the Punjab, to *E. C. Bayley, Esq., C.S.I.*, Secretary to the Government of India (No. 914); dated Lahore, the 15th March 1872.

IN continuation of this office, No. 93 c, dated 22nd February last, I am desired to forward, for the information of the Government of India, copy of a letter, No. 58, dated 6th idem, from Lieutenant Colonel E. N. Perkins, district superintendent of police, Ludhiana, reporting on the late Kooka outbreak at Malouh and Malehr Kotla.

THE KOOKA OUTBREAK.

49

From Lieutenant Colonel E. N. Perkins, District Superintendent of Police, Ludiana, to Major A. H. Bamfield, Deputy Inspector General of Police, Ambala Circle (No. 86); dated Ludiana, the 6th February 1872.

I HAVE the honour to acknowledge the receipt of your No. 157 of 29th ultimo, calling upon me for an official report of the proceedings of the late Kúka outbreak, &c.

As the Inspector General was informed of each day's occurrences by special report during the whole of the time I was absent at Malodh and Kotla with the Commissioner and Deputy Commissioner, I can but recapitulate the events of each day as already reported. The Deputy Commissioner taking the case into his own hands from the first, I only acted under his orders and carried into effect his wishes.

The assembling of the Kúkas at Bhaini (to which there was no restriction) for the Lohri festival commenced on or about the 10th ultimo, everything went off quietly, parties arriving and leaving each day, the whole breaking up and going off to their homes by the 13th, with the exception of some 80 men headed by Heera Singh of Sukroudi, Patialá. This individual, it appears, had determined to avenge the death of one Giani Rutron Singh,* a subah (lately hung at Ludiana for the Raikote murders), and openly expressing his intention when starting from Bhaini, induced a number of other desperadoes to join him, intimating an intention of proceeding to Kotla, where they hoped to possess themselves of treasure, arms, &c.

* Giani and Rutron Singh are two separate men, but hung at the same time.

The Deputy Inspector of Sánwál, Surfraz Khan, who was present at Bhaini, on hearing of this, sent a serjeant to follow them up, and on the return of this man with the report that the party had gone to "Rampúr" in Patialá territory, wrote to the Thanadár of Dourahá, in whose *iláquá* they then were, and came into Ludiana to report the matter in person. On his arrival I took him over to the Deputy Commissioner, who immediately had the information conveyed to vakils of Patialá and Kotla. Nothing more was heard during the 14th, and it was hoped that the band had broken up, but on the following morning an account of the attack on Malodh was received from the Deputy Inspector of Dehlon, upon which the Deputy Commissioner and myself started for the scene of action, and on the road were met by a sowar from Kotla, with information of another attack having been made on that place at 8 a.m. that morning, the man stating that when he left, the place was surrounded by Kúkas, and heavy fighting going on. Mr. Cowan, Deputy Commissioner, immediately wrote a telegram, requesting that troops might be sent, dispatching it by the Kotla sowar to Ludiana. On arrival at Malodh the place was inspected, and arrangements made for the security of the village, and the prisoners found placed under a proper police guard.

The band on leaving Bhaini appeared to have remained but a short time at Rampúr, and then started south, passing through the Patialá territory, and putting up for the night at a well belonging to one of the Kúka fraternity, near village Rubbú in Dehlon Thanná, on the confines of the district. Here they remained the night (13), and up to the evening of the following day (14).

At Rubbú it appears from the statements of the prisoners that the idea was first mooted of taking Malodh on their way, in hopes of obtaining arms, &c., from the Sirdars. They left Rubbú about 8 p.m., and entered the village by the west gate, leaving sentries to protect the same. One party proceeded at once to the house of Sirdar Buddún Singh, honorary magistrate, whom they attacked and wounded in the neck. Another party went to the stables, killed the coachman, and took away four horses. Nubbi Buksh, the munshi, was killed near the Sirdar's kutcherry; the whole street was full of men who were pelted with bricks, &c., from the roofs of the houses by the villagers, two of the Kúkas being killed and several wounded. The Kúkas possessed themselves here of three swords and a double-barrelled gun, remaining about an hour, and then left in the direction of Kotla, leaving behind them the killed and wounded, one shot through the arm by a shikari, and the others disabled by bricks and *lathis*.

The Deputy Commissioner was occupied the following morning (16) in examining the accused parties, and Ram Singh arrived about 12 o'clock, having been sent for from Bhaini the previous day, but the Deputy Commissioner being anxious to push on to Kotla, Ram Singh was told he would be called in to Ludiana, if wanted. We then left for Kotla, and on the road met the Risallahs of Jheend and Nábha, also the Naib Nazim of Omurghur (Wazir Ali), who reported his having been successful in capturing nearly the whole gang near Sherepore Patialá. On our arrival at Kotla, the greatest consternation and alarm still existed amongst the officials and townspeople, which only subsided on the appearance of the contingents of the surrounding states, for it was generally apprehended, from the constant reports from the neighbourhood of small bodies of Kúkas collecting in all directions, that another attack would take place.

The following morning (17) Deputy Commissioner and myself inspected the city and scene of action. The gang appeared to have had but little difficulty in entering the town through a large space in the dilapidated wall, and to have met with little or no opposition until they reached the palace square, where they were met by the Thanadár and a few men, and here the only real fighting took place, 16 being killed on both sides. The Thanadár is said to have killed three of the assailants with his own hand before he succumbed to a sword wound on the head.

The Kúkas evidently hoped to get into the treasury, but luckily breaking open the wrong door, found only a few papers, mids, &c., in the place. They also took some arms out of a Kothi, but not finding any ammunition threw them down a well, and they were afterwards recovered.

H

CORRESPONDENCE RELATING TO

recovered. The Kotla people were evidently unprepared for the attack; this they say was in consequence of the short notice received, the report from their Vakil only reaching Kotla at 8 p.m. on the 14th, the man having been informed by me at 11 o'clock on the previous night (13), and the distance being only 31 miles. As the prisoners had not made their appearance up to 12 o'clock, I, after consultation with the Deputy Commissioner, went out with a few horse to meet them some six miles from Kotla, and brought them in, in safety. A more determined set of ruffians I never saw; several of them on the way in were excessively abusive, declaring they wanted no other government but that of their own sect.

It was determined by the Deputy Commissioner summarily, to execute 50 of the 68 captured by blowing them away from guns, reserving 18 to be hung at Malodh, and in consequence arrangements were made for the executions to take place that evening, which were duly carried out, a letter from the Commissioner arriving too late to stop the same.

I should have mentioned that on my meeting the party I found that Hira Singh and Lehná Singh, the leaders of the gang, had been taken, and the former informed me that the whole of the gang had been captured. During the executions a most savage attack was made upon the Deputy Commissioner by one of the prisoners, who was instantly cut to pieces. The following day (18) the Commissioner (escorted by a detachment of the 12th Cavalry under the command of Colonel Gough) arrived and confirmed Mr. Cowan's proceedings of the previous day. He also held a formal trial of the remaining prisoners, and sentenced them also to suffer death, thus showing that he considered the outbreak a serious one, and one from which, unless dealt with severely at the first, very great danger to the State was to be apprehended.

In the evening a Durbár was held by the Commissioner for the distribution of rewards to those who had done good service towards the capture of the gang, &c.

The following morning the Commissioner and party returned to Malodh, where he was occupied during the day in trying the four prisoners taken at that place; they were sentenced to be hung, a sentence which was afterwards commuted to transportation for life.

Up to the 18th information was frequently received that small parties of Kúkas from various quarters were flocking towards Kotla, and these gangs apparently only dispersed on hearing of the executions.

On the morning of the 20th the Commissioner, after receiving visits from the Sadars of Malodh, Ranipúr, and Bhír, left for Dehlon and Ludiana. Deputy Commissioner Colonel Gough and self accompanying him.

I should have mentioned that the civil surgeon, Dr. Ince, went with us to Malodh on the 16th, and on the following morning preceded us to Kotla, and returned to Ludiana in the evening of the same day.

Referring to paragraph No. 2 of the letter, I am not aware of any extraordinary measures for information, &c. being in force consequent on the Raikot murders other than the arrangements I found on my receiving charge of the district at the latter end of November, which were those of Extra Assistant Commissioner Narain Singh, having been specially appointed to keep a look out on the movements of the sect, and report direct to the Commissioner and Deputy Inspector General; also a few men told off here and there through the district to report anything suspicious. The Kúkas, however, were particularly quiet previous to the late outbreak, which appears to have been quite a premature affair, and I believe against the wishes of Ram Singh, whose plans for a far more serious disturbance were thus, as it turned out, fortunately anticipated.

In conclusion, I have much pleasure in stating that the police worked well and willingly.

(Confidential.)

From L. H. Griffin, Esq., Officiating Secretary to the Government of Punjab, to E. C. Bayley, Esq., C.S.I., Secretary to the Government of India (No. 1270); dated Lahore, the 11th April 1872.

Letter No. 168, dated 8th April, from T. D. Forsyth, Esq., C.S.
Letter dated 8th April from L. Cowan, Esq.,
Parkina " 8th " " Lieutenant Colonel

With reference to your letter No. 569, dated 22nd March, I am desired to forward copies of the replies marginally noted, on the subject of Mr. Forsyth's orders to Mr. Cowan regarding the disposal of the Kookas concerned in the recent outbreak.

From T. D. Forsyth, Esq., C.S., Commissioner, Ambala Division, to L. H. Griffin, Esq., Officiating Secretary to the Government of the Punjab (No. 169); dated Ambala, the 8th April 1872.

In reply to your No. 1076, dated 2nd April 1872, I have the honour to state that three letters were addressed by me to Mr. Cowan on the subject of the mode of dealing with the prisoners taken at Malodh and Malair Kotla between the time of my arrival at Ludiana on the night of the 16th January and the receipt of the news of the executions on 17th January. The first letter was sent off some time in the night of 16th, and before the dispatch of my telegram to you marked B. I am not quite certain of the hour of dispatch. That it arrived at

THE KOOKA OUTBREAK.

51

at its destination before the executions took place is unquestioned. Mr. Cowan informs me that he received it on the 16th or 17th, but he probably in his reply will give the exact hour of its receipt. As to the contents of that letter, it being in demi-official form, I unfortunately kept no copy, and Mr. Cowan informs me that the original has been mislaid.

2. According to my recollection, the letter was to the effect that he was to keep the captured Kúkas in the hands of the Patiala authorities in the Fort of Sherpur, till I could send a guard to bring them into Ludiana for trial; and meanwhile he was to beat up stragglers.

Mr. Cowan says in a letter to me lately received, "I remember having received a demi-official from you on the 16th or 17th January to the effect that it would be best to keep the captured rebels in the Fort of Sherpur till you could send out a force to take charge of them." So that, on the main point, Mr. Cowan's recollection agrees with mine as to the purport of my orders for the disposal of the prisoners.

3. As regards the second letter I have to state that Mr. Cowan's telegram A, copy given in the margin, was received at the Ludiana Telegraph Office at 5.2 a.m. on the 17th, and at 5.46 a.m. my telegram B was received.

A.

Telegram from Mr. Cowan, Malodh, to Secretary to the Government of Punjab, Delhi, dated the 16th January 1872.

Against four of the Malodh murderers the proof is convincing. Allow me to execute them on the spot. It is of importance that the punishment should be prompt. I go to Kotla.

B.

Telegram from Commissioner, Ludiana, to the Secretary to Government, Punjab, Delhi.

Referring to Cowan's telegram asking permission to execute at once four men. Since then we have got 70 men. I am on the spot, and can dispose of the cases according to form, and without delay. Exceptional action not necessary, and would increase excitement, better allayed, &c., &c.

5. The third letter was written subsequently, but, as the second letter arrived too late, it is unnecessary to go into particulars as to the time of arrival of later orders. A copy of the letter, however, is annexed.

6. With reference to paragraph 4 of the letter from the Secretary to the Government of India, Home Department, the loss of the original letter prevented my sending a copy.

As it was not couched in regular official form, and as it only contained instructions to keep the prisoners till they could be sent in for trial, and did not contain the peremptory prohibition against the summary executions to be found in the subsequent letters, it may be that Mr. Cowan considered he might exercise some discretion, and, therefore, his statement, alluded to by the Secretary to Government, may be taken to refer only to the prohibitory, and not to the declaratory order.

7. I take this opportunity to make some remarks explanatory of the sentence carried into execution against the 16 men on the 18th January.

8. When the case was submitted for my orders, I had to consider it in its judicial aspect, as well as from a political point of view.

9. Now, taking the judicial view of the case as it stood by itself, quite apart from all other considerations, 16 men belonging to a gang who had committed a double series of murders were pronounced to be guilty of the charge preferred against them. The sentence for their crime was death; and had the case been tried in the courts governed by our codes, it would have been incumbent on me to show very good cause why that sentence should be mitigated. Had the case then been a solitary one, there would have been no more ground for hesitating to confirm a sentence of death passed on 16 men, than there would have been last year for the chief court to hesitate to pass sentence on 12 men for the murder of the butchers.

10. I had, however, to consider all the surrounding circumstances, and the first one which would naturally influence me was the fact that so many men had already suffered for the same offence. But there were counterbalancing arguments which I now propose to reproduce.

11. One consideration was that, if the case admitted of it, Mr. Cowan ought to be supported. However much I might have deprecated his proposed action, and inwardly deplored it when as yet not taken, still when once done I felt myself placed in an entirely different and, it will be readily conceded, in a most difficult position. To hastily disavow his proceedings, and to cancel his acts at such a moment, I considered would be most unwise.

12. When the news of the executions by Mr. Cowan reached me, I had just ended a long confidential

* The answer, as follows, reached me after midnight, having evidently been delayed in transit :
"With reference to your telegram regarding execution of rebels, Lieutenant Governor concurs with you. He, however, approves Mr. Cowan's energy."—14th January 1872.

CORRESPONDENCE RELATING TO

confidential talk with Guru Ram Singh. I had learned from him that the sect, which, when I met him at Anandpur-Makhowal in 1867, owed him implicit obedience, now had passed entirely out of his control. Such was his assertion, and it was impossible not to be seriously affected by the reflections which arose out of such a revelation. The premature violence of Lehna Singh and his party might prove a miserable fiasco, but what assurance had I then that advantage of the occurrence would not be taken for the rest of the Kookas to rise, and thus support and push forward the movement began by their brethren? And would not the next step have been to plunge the province into actual war? When I went out to Kotla, I heard of bands of Kookas having been seen coming towards Kotla, but suddenly disappearing on reaching near enough to get information of the fate that awaited them. It was while the sentence passed on the 16 men was awaiting my sanction that news of some such bands being in the neighbourhood was brought to me, and men were sent out to ascertain the truth, and to apprehend the culprits.

To have shown leniency at such time, then, to any whom the law declared to be worthy of death would unquestionably have been mistaken for weakness. Every native knew that there was but one sentence to which those men were justly subject.

Last year the chief court had sentenced 12 men to death for the Raikot and Amritsar murders, and it was evident that these sentences had not had a deterrent effect.

13. There was another consideration to which weight had to be given.

The attack on the Mahomedan State of Kotla conveys but a small significance to the mind of the ordinary reader. But any one who has read the History of the Punjab Rajas by Mr. Griffin will find that, so far back as 1794, Bedi Sahib Singh, lineal descendant of Baba Nanak, the first and most revered of the Sikh Gurus, proclaimed a religious war against the Malair Kotla Afghans, whom he accused of killing cows, as great an offence in the eyes of a Sikh as of any other Hindu.

This present attack, then, was but the repetition of former fanatical fury, with, however, an important difference. In the last century, and, in fact, till within the last quarter of a century, the normal condition of these provinces was anarchy, and attacks by one tribe or people on another were treated rather as a matter of course.

But since the British Government took possession of the country all classes have been taught to look for protection to the paramount power, whose first duty it has been truly said is to maintain security for life and property. To the British Government, then, the Mahomedans of Malair Kotla looked for deliverance in this hour of need.

As I entered the town of Kotla I was met by the Nazim and Tehsildar, who form the Council of Regency during the vacancy caused by the death of the late Nawab, and till the appointment of a successor. They earnestly described the dangers of their position, making, perhaps, more of the case than was correct, in order to exalt their own services; but, in one respect, they were genuinely earnest. They were in a decided dread of a second attack, and spoke of other Kookas coming sooner or later to renew murders. That they had imbibed a fear, lest I should show too much leniency, was apparent from the earnest manner in which they begged that the men, whose complicity in the attack they, in conjunction with Mr. Cowan, had pronounced to be proved, should not be let off with a less severe punishment than the law warranted. I felt myself bound to give due weight to this consideration. I may here mention that the next day, when I went over to Malodh to try the men charged with the murderous attack on Sirdar Mith Singh's house, and before I began to take up the case, the Sirdar took me aside, and in a solemn manner assured me that, unless I passed sentence of death on the prisoners when found guilty, his life, and the lives of the people with him, would not be safe.

I did not allow this to influence my final decision as to the disposal of the culprits at Malodh, for reasons given in my judgment, but I went through the form of recording a sentence of death according to law.

14. There was yet another consideration. All these men had been doomed to execution on the previous day by Mr. Cowan, and it was known to all that they had only been spared temporarily by my orders arriving for their trial. If, then, after trial, it should be found that the sentence intended by Mr. Cowan was a just one, was there not a certain amount of necessity laid on me to justify his proceeding, in the eyes of the world by giving a legal sanction to his decision?

15. Viewing the whole circumstances of the case, I considered that the sentence ought to be carried out.

From T. D. Forsyth, Esq., C.B., Commissioner of Ambala Division, to J. Cowan, Esq.,
Officiating Deputy Commissioner of Ludiana; dated Ludiana, the 17th January 1872.

I HAVE to acknowledge the receipt of your letter, dated Kotla, 16th January, 7.30 p.m.

2. The body of Kookas now apprehended in Patiala territory have committed two separate offences; one offence affecting British jurisdiction, the other offence affecting the semi-independent jurisdiction of the Malair Kotla State.

3. As regards offences committed in Malair Kotla, the authorities there have full power to

THE KOOKA OUTBREAK.

53

to try and sentence criminals, sending the case up to the Commissioner for sanction when the sentence is capital punishment.

4. I request that you will prepare at once the case against such as appear to you to be deserving of capital punishment, and I shall then give immediate orders. But, with reference to your expressed desire for promptitude, the case is not sufficiently urgent to justify the abandonment of the very simple form of procedure we have at hand.

5. I purpose proceeding to Malair Kotla very shortly.

My dear Cowan,—You have done *admirably*, but for heaven's sake don't let the whole thing fall short of perfect success by any hasty act.

By dealing with the men now caught as culprits in the Kotla territory, they can be hanged legally without the delay of sending the case to the chief court, by attending to the form usual in all such cases, *i. e.*, sending up the proceedings to me; and to save time and trouble I am going out to Kotla as soon as I have disposed of Ram Singh. But if you hang (yourself) these men, *i. e.*, the men caught at Malodh, you will fall short of perfect success. A delay of 12 hours cannot produce harm, whereas illegal action may cause trouble. I only wait for Ram Singh to come in to-morrow morning, and I shall then be out at once.

17 January 1872.

T. D. Forsyth.

From L. Cowan, Esq., Missouri, to the Officiating Secretary to the Government of the Punjab; dated the 8th April 1872.

I HAVE the honour to acknowledge receipt of your letter, No. 1677, dated the 2nd instant, with enclosure from the Secretary to the Government of India in the Home Department, No. 569, dated the 22nd March 1872, calling for explanation on certain points connected with the punishments inflicted during the Kooka outbreak in January last. All my papers relating to the case have been left at Ludiana. I had hoped to remain at this place for a few days only; that the correspondence was over, and that it would not be necessary to refer to it during my absence from Ludiana. My recollection, however, of the occurrences at Kooka on the 17th and 18th of January is so distinct that I do not hesitate to furnish the explanation called for, without waiting for the papers.

2. Before the execution of the 49 men was over, I received *only one* letter from Mr. Forsyth, directing me not to execute the captured Kookas, but to keep them for trial. This letter reached me on the evening of the 17th January a little before sunset; I was on what is called the parade ground of the Kotla State between a line formed by the sepoys of the native States and the guns. Forty-two or 43 of the insurgents had been executed before this letter was delivered to me: the remaining six or seven men were tied to the guns, and a bugler was awaiting the order to sound the "fire." Colonel Perkins and some of the higher officials of the native States were standing near me. After reading Mr. Forsyth's letter I handed it to Colonel Perkins, with the remark that it would be impossible to stay the execution of the men already tied to the guns; that such a proceeding would have the worst effect on the people around us. This letter was the *only one* I received from Mr. Forsyth on the 17th, directing me to abstain from executing the prisoners.

3. Earlier in the day before or about noon, as I was riding through the town of Kotla, a letter was put into my hand from Mr. Forsyth, who had arrived at Ludiana late on the previous night. This note was to the effect that he had heard of the capture of the rebels, and that, in the present disturbed state of the country, it would be better that they should be detained in the Patiala Fort of Sherepur till he would send out a sufficient strong guard to take charge of them. This note did not contain any instructions to have them brought to trial. I put the note in my pocket, and thought no more about it. It contained only a suggestion which could not be acted on, for the captured Kookas were then close to Kotla on their way in.

4. The above is a plain statement of facts. Read by itself, the extract subjoined to paragraph 1 of the Supreme Government's letter plainly implies that I acted at variance with orders received some time before the execution. That such was not the case I have shown above; and, assuming that I had actually received orders not to execute the prisoners, and had disobeyed those orders, that such disregard of instructions would have been approved of is evidenced by the fact that, on the 18th January, after receipt (on the night of the 17th) of my report of the executions, Mr. Forsyth wrote to me as follows:—

"My dear Cowan,—I fully approve and confirm all you have done. You have acted admirably. I am coming out.

"Yours, sincerely,
"T. D. Forsyth."

"18 January 1872."

I received this note about 11 a.m. on the 18th; a little later in the day, Mr. Forsyth, accompanied by Colonel Gough, and escorted by 30 or 40 sabres of the 12th Bengal Cavalry.

CORRESPONDENCE RELATING TO

Cavalry, arrived at Kotla, and, after repeating to me verbally his approval of what I had done, ordered the immediate execution of 16 more prisoners.

5. On the 19th January Mr. Forsyth desired me to give him copies of all the demi-official letters he had written to me, and I furnished him with copies of all in my possession. My belief is that I sent him, with the others, a copy of the note I received in the town of Kotla on the forenoon of the 17th. I destroyed several papers which I deemed of no importance, and probably this note with the rest, for I have not got it now. This is unfortunate, but I could not have supposed I would have been called on to furnish a copy of it. I had no conceivable motive for keeping it back. My act had been approved of and confirmed before I was asked for copies of those notes, and I had *nothing* to gain by suppressing any of them.

6. On the 25th March, two days before I left Ludiana, Mr. Forsyth wrote to me for a copy of a letter in which he had asked me to keep the prisoners in Patiala *till he would send a guard to bring them in for trial*. I searched unsuccessfully among my papers, and replied by return of post that I recollected having received a letter from him, desiring me to keep the prisoners in Sherepur till he could send out a force to secure them, and I added that I believed I had sent him a copy of this letter with the copies of his other demi official letters, but that I could not now find it.

7. To save time I have this day written to Mr. Forsyth, requesting him to forward to you a copy of the letter which he addressed to me on the 17th, and which I received as the executions were over, and also a copy of any other letter of the same date.

From Colonel Perkins, District Superintendent of Police, to the Officiating Under Secretary to the Government of the Punjab; dated the 5th April 1872.

In reply to your letter, No. 1078, of the 2nd instant (forwarded from Ludiana), I beg to state that I remember Mr. Cowan receiving a letter previous to the conclusion of the executions at Kotla, but cannot state the exact time of its receipt, nor the number of Kookas still undealt with.

(Home Department.—Judicial.—No. 857.)

From E. C. Bayley, Esq., C.S.I., Secretary to the Government of India, to the Secretary to the Government of the Punjab.

Sir,

Fort William, 30 April 1872.

In continuation of my letter, No. 569, dated 22nd March last, and with reference to your reply noted in the margin on the subject of the summary execution of Kuka prisoners at Malehr Kotla, I am directed to state that the Governor General in Council is now in a position to pass final orders in this painful case.

2. His Excellency in Council has maturely considered the facts stated by Mr. Forsyth and Mr. Cowan, and the expressions of his Honor the Lieutenant Governor's opinion contained in your letters of the 19th January, No. 23 c, the 7th February, No. 59 c, and of the 16th February, No. 78 c, and, without recapitulating all the circumstances of the case, which will be found in the memorandum appended, he thinks it right to recall the following leading facts to your recollection as being those on which his decision proceeds.

3. On the 17th January 49 persons, many of whom were wounded, were by Mr. Cowan's orders blown away from guns at Malehr Kotla without trial. That these persons had been guilty of a great crime there is no doubt; but both the manner of the execution, and its excessive and indiscriminate severity, stand in need of the strongest justification. In the opinion of his Excellency in Council, nothing short of absolute necessity could justify these proceedings. If any judicial inquiry, however summary, had taken place, a distinction might have been made between ringleaders and followers, and the usual mode of punishment would have been employed. At the time when the extra-judicial execution was ordered, the disturbance which had taken place had been effectually suppressed. Mr. Cowan had at his disposal considerable bodies of troops, and there is no evidence whatever to show that actual immediate danger was or could have been apprehended either from the prisoners themselves, or from other members of the sect to which they belonged. The only fact which can be said to suggest the existence of such danger is, that various small bodies of Kukas were seen in the neighbourhood of Malehr Kotla, who promptly disappeared. It appears, however, to his Excellency in Council, that their dispersion was owing to the defeat of their associates, and not to the summary punishment inflicted, and in this belief he is supported by the view taken by his Honor in your letter of the 7th February above quoted, paragraph 10, in which it is said:—

"The Lieutenant Governor is not of opinion that the evidence now submitted indicates that

701

that the immediate retirement of the bands of Kúkas who were observed moving towards Kotla, was the result of the executions ordered by Mr. Cowan, for in nearly every instance they are said to have gone back on the 16th, the day the attack took place, whereas the executions were carried out on the morning of the 17th. Their retirement appears to have been caused really by the attack having been beaten off by the Kotla people."

4. It is, in short, obvious, both from the circumstances of the case, and from many expressions in Mr. Cowan's letters, that his motive in ordering the executions was to prevent a rising which he considered imminent, by an act calculated to strike terror into the whole Kúka sect. In illustration of this, it is to be observed that both Mr. Forsyth and Mr. Cowan refer to the small effect which the execution of the Raikot murderers in due course of law had had in the way of deterring the Kúkas from further violence.

5. Before adverting to the peculiar circumstances under which Mr. Cowan acted, the Governor General in Council thinks it right to make some general observations on the principle on which that officer seems to have proceeded, as his Excellency in Council has reason to fear that it may have considerable influence on the minds of officers who feel themselves liable to be placed in positions of difficulty. This principle, perhaps rather felt than avowed, is that law is meant only for quiet times, and that officers are justified in disregarding it, as soon as political danger is apprehended, and in substituting punishments inflicted at their own discretion, and without any other measure than their own estimate, formed on the spot under the pressure of immediate excitement, of what is required in the particular case for the sake of example.

6. This view appears to his Excellency in Council to involve a grave error.

7. His Excellency in Council desires to impress, in the most emphatic manner, on all civil and military officers whom it may concern, the broad principle that the law of the land administered by the established courts is the instrument to which Government looks, and in which it trusts, for the purpose of suppressing crime, maintaining peace, and deterring ill-disposed persons from following the example of malefactors; and that it is a grave act of insubordination and presumption for any individual officer to take upon himself to decide upon the spur of the moment that the law is not strong enough to protect society, or that the punishments which can be inflicted in its ordinary course are not sufficiently severe to deter from crime. To do so is to usurp the highest prerogative of the Government. Cases may arise in which Government may consider it necessary to punish particular offences with exceptional severity, or to arm particular officers with special powers of summary trial and execution; but till this is done, the duty of all civil and military officers in all cases is to treat criminals when captured in the regular course of law; that is to say, to hand them over for trial to the proper tribunals.

8. In order to show that this course is not inconsistent with any degree of vigour and promptitude which can be required in the most arduous circumstances, it is necessary to bear in mind that for the suppression of violent crime, and the apprehension and safe custody of offenders, the law authorises, and indeed requires, the use of any degree of military force which may be necessary for the purpose. Rebels with arms in their hands, gangs of dacoits banded together for the purpose of robbery and murder, persons in the act of waging war against the Queen, and all who aid and abet them, may and ought to be attacked by force of arms precisely as armed invaders may be attacked. If their behaviour and number are such that it would, upon military grounds, be improper to grant them quarter if they were engaged in ordinary war, they might be killed upon the spot. In short, there is no severity which by the usages of war may be inflicted upon the enemies' troops for the purpose of defeating and breaking them up, which may not in strict accordance with law be inflicted upon bands of criminals, whether rebels or not, for the purpose of their defeat or arrest.

9. The one thing which cannot be permitted to any civil or military officer in any case whatever, is the regular assumption of the office of the judge and of the legislator. No such officer has right to punish his prisoners, still less has he any right to punish them according to a law made by himself, after the fact, and in reference to the circumstances of a particular case. The law authorises officers to do whatever is necessary in order to suppress crime and arrest criminals; but neither law nor any principle of justice or policy justifies them in punishing prisoners, when taken, as they think proper.

10. Officers may, perhaps, be assisted in understanding and applying to particular cases as they arise, the principles above stated by a few observations on the policy which they are meant to carry out.

11. To administer justice with mercy is the fixed and settled policy of the Government of India; but it is absolutely essential to this great object that justice should be administered according to known rules, with due deliberation, and with discrimination between degrees of guilt. Sentences pronounced under excitement, and with little time for reflection, are liable to be neither just nor wise. It is probable that they will bear upon them the stamp of individual resentment or anxiety rather than that of deliberate justice. Such orders are often taken for acts of vigour, when they are in truth acts of weakness. Such orders frequently show that those who give them doubt their own strength, and are afraid to be merciful to their opponents.

12. The

CORRESPONDENCE RELATING TO

12. The Governor General in Council cannot consent to assume the attitude in which the ratification of such acts would place him. His Excellency in Council trusts, on the one hand, in the effect which a course of just and merciful rule cannot fail to produce in time in the minds of the people. He relies, on the other hand, on the existence of a military force sufficient to protect the mass of quiet and well-disposed persons against the small minority who, for whatever reasons, might be willing to plunge the country into anarchy and civil war.

13. His Excellency in Council cannot consent to be forced by the crime of a few fanatics into the sanction of acts repugnant to the whole spirit of British rule. The British Government is strong enough to keep order and suppress crime, and there is no occasion for indiscriminate severity; nor in any case could the exercise of such severity be a source of strength.

14. With reference to the special circumstances of Mr. Cowan's case, his Excellency in Council has to observe as follows:—

15. In the first place his Excellency is of opinion that Mr. Cowan's clear duty was to have detained the prisoners in custody until they could be proceeded against in due course of law. Referring to the principles already stated, there is no circumstance which tends to justify, or even greatly to excuse, Mr. Cowan's conduct. The prisoners were absolutely helpless. A large proportion of them were badly wounded. They had surrendered to very inferior numbers, and were under the guard of a considerable military force, which might have been increased to any required extent. Under these circumstances their illegal and indiscriminate execution was a measure for which there was no excuse. His Excellency in Council cannot regard as an excuse Mr. Cowan's belief that the execution was politically expedient. In fact, that he set aside the existing law because he thought it expedient to do so in the particular case, is one of the elements in the offence which his Excellency in Council considers Mr. Cowan to have committed.

16. There are, however, other matters in connection with Mr. Cowan's conduct which it is impossible to pass over, and which have been in part brought to his Excellency's notice at a very late stage in the proceedings. The following references to the documents on record will set this in a clear light.

17. On the 16th January Mr. Cowan telegraphed to the Punjab Government for leave to execute four men in a summary manner.

18. On the same day Mr. Forsyth wrote Mr. Cowan a demi-official note, which has been lost, in which Mr. Forsyth directed Mr. Cowan to send the prisoners to Sherpur, to be kept until Mr. Forsyth could send a guard to take charge of them. Mr. Forsyth believes that his letter said that the guard was to take them into Ludhiana for trial. Mr. Cowan believes that trial was not referred to. Be this as it may, the letter reached Mr. Cowan some hours before any of the executions took place. He says, "I put the note in my pocket, and thought no more about it. It contained only a suggestion, which could not be acted on, for the captured Kúkas were then close to Kotla on their way in." This conduct would imply that, in Mr. Cowan's opinion, the main point of the note was that the men should be sent to Sherpur; whereas it should have been also apparent to Mr. Cowan that Mr. Forsyth desired that the men should be kept in custody.

19. The executions, therefore, cannot be reconciled with the spirit of Mr. Forsyth's instruction, and took place before any reply had been received to a telegraphic message sent by Mr. Cowan the day before to the Punjab Government for leave to execute four men only.

20. Before the executions were finished, and whilst six or seven men were tied to the guns, Mr. Cowan received an official letter containing a positive order from Mr. Forsyth to proceed according to law. Mr. Forsyth's words were, "I request that you will prepare at once the case against such as appear to you to be deserving of capital punishment, and I shall then give immediate orders. But with reference to your expressed desire for promptitude, the case is not sufficiently urgent to justify the abandonment of the very simple form of procedure we have at hand." Upon this Mr. Cowan says, "After reading Mr. Forsyth's letter, I handed it to Colonel Perkins, District Superintendent of Police, with the remark that it would be impossible to stay the execution of the men already tied to guns, that such a proceeding would have the worst effect on the people around us."

21. His Excellency in Council cannot see that there could have been any serious difficulty in staying the execution without even communicating the reasons for doing so to the bystanders. It was Mr. Cowan's clear duty to obey Mr. Forsyth's order, in a case in which the lives of six or seven persons were at stake, and where the act forbidden was upon the face of it illegal.

22. While the Governor General in Council recognises that the lives of all the criminals involved in the recent outbreak in the Punjab were in principle forfeited to the laws, his Excellency is under the painful necessity of affirming that the course followed by Mr. Cowan was illegal, that it was not palliated by any public necessity, and that it was characterised by incidents which gave it a complexion of barbarity. That course was commenced in opposition to the spirit of instructions received from superior authority, and in the absence of

of sanction, invoked but not awaited; it was prosecuted to completion in contravention of positive orders.

23. Under all these circumstances, his Excellency in Council is compelled to direct that Mr. Cowan be removed from the service. He does so with deep regret, as Mr. Cowan's previous character and conduct have been unexceptionable, and as he acted with promptitude in concerting measures for the repression of the movement.

24. It remains now to consider the case of Mr. Forsyth in reference to the approval passed by him on the act of Mr. Cowan, and to the confirmation by him as Commissioner of Umballa of the sentence passed by the native officials of the Malehr Kotla State, with the concurrence of Mr. Cowan against 16 other prisoners.

25. In confirming this sentence, and in ordering the immediate execution of the prisoners, Mr. Forsyth was acting in a political rather than in a judicial capacity. It is the duty of officers so situated to be specially on their guard against permitting the native states which are under their superintendence to act with a degree of harshness or precipitation alien to the spirit of English rule; and although Mr. Forsyth's proceedings were no doubt legal, that fact alone ought not to protect him from censure, if his proceedings showed a want of that merciful discrimination which ought in all cases to be characteristic of the British administration of justice. In this, Mr. Forsyth seems, to his Excellency in Council, to have failed, and the failure was apparently due to his having permitted a not unnatural desire to support a subordinate, to assume undue prominence in his mind in a case where interests of far greater importance were concerned.

26. On the morning of January 17th, Mr. Forsyth had telegraphed to the Punjab Government, as follows:—

"Referring to Cowan's telegram, asking permission to execute at once four men. Since then we have got 70 men. I am on the spot, and can dispose of the cases according to form, and without delay. Exceptional action not necessary, and would increase excitement better allayed, &c., &c."

27. On the night of the 16th, he wrote a demi-official letter, which reached Mr. Cowan before the execution. On the 17th he wrote two separate letters, one official and one demi-official; the first directing Mr. Cowan, and the second requesting him in the most pressing, though in most friendly terms, not to proceed illegally. On the 18th, having received the report of the executions, he gave an unqualified confirmation of all that Mr. Cowan had done, in the following terms: "My dear Cowan, I fully approve and confirm all you have done. You have acted admirably. I am coming out." Mr. Forsyth thus anticipated, without necessity, the opinions of the Lieutenant Governor and the Government of India, committed superior authorities as far as he could to sentiments which might be repugnant to their judgment, and directly reversed his own distinct resolution formed and expressed up to that moment. On the same day he confirmed the sentence of the Malehr Kotla authorities, and ordered the immediate execution of the 16 men condemned by them, a course which was not warranted by the necessity of making a further example, or by the character of the parties concerned, among whom various shades of guilt might, by a less cursory inquiry, have been discovered.

28. In Mr. Forsyth's explanation of the course taken by him, he says in his letter of the 8th April 1872:—

"I take this opportunity to make some remarks explanatory of the sentence carried into execution against the 16 men on the 18th January.

"When the case was submitted for my orders, I had to consider it in its judicial aspect, as well as from a political point of view.

"Now, taking the judicial view of the case as it stood by itself, quite apart from all other considerations, 16 men belonging to a gang who had committed a double series of murders, were pronounced to be guilty of the charge preferred against them. The sentence for their crime was death; and, had the case been tried in the courts governed by our codes, it would have been incumbent on me to show very good cause why that sentence should be mitigated. Had the case, then, been a solitary one, there would have been no more ground for hesitating to confirm a sentence of death passed on 16 men, than there would have been last year for the Chief Court to hesitate to pass sentence on 12 men for the murder of the butchers.

"I had, however, to consider all the surrounding circumstances, and the first one which would naturally influence me, was the fact, that so many men had already suffered for the same offence. But there were counterbalancing arguments which I now propose to reproduce.

"One consideration was, that if the case admitted of it, Mr. Cowan ought to be supported. However much I might have deprecated his proposed action, and inwardly deplored it when yet not taken, still when once done I felt myself placed in an entirely different, and, it will be readily conceded, in a most difficult position. To hastily disavow his proceedings, and to cancel his acts at such a moment, I considered would be most unwise."

He adds, in subsequent paragraphs, that he had had a conversation with Ram Singh, which

I

CORRESPONDENCE RELATING TO

which gave him a strong impression of the serious character of the outbreak; that whilst the sentence was awaiting sanction, he heard a report of Kuka bands being in the neighbourhood; and that the Sirdar of Malodh pressed him to pass sentence of death. The prominent feeling in his mind, however, seems to have been that Mr. Cowan ought to be supported in an act which Mr. Forsyth himself had repeatedly forbidden.

29. In conformity with the views enunciated above, his Excellency in Council is of opinion that, while Mr. Forsyth is undoubtedly guiltless of an illegal action, he has in no small degree identified himself with the errors committed by Mr. Cowan; that he failed to discern his duty as counsellor to a native government in a serious emergency; and that he acted eventually in a manner inconsistent with the recognised policy of the Government of India.

30. His Excellency in Council considers that Mr. Forsyth's conduct will be adequately dealt with by his removal from the Commissionership of Umballa to a position in another province in which he will not have to superintend the judicial proceedings of any native state, and by an expression of the opinion of the Government of India that he ought not in future be placed in a position in which he would be called upon to exercise similar control and superintendence.

31. The Governor General in Council is constrained to notice, with regret, that two documents essential to the information of the Supreme Government in this case were not brought to his knowledge in regular course, and at the commencement of this correspondence, viz., the demi-official letter written by Mr. Forsyth to Mr. Cowan on the 16th January, since mislaid, and the letter addressed by Mr. Forsyth to Mr. Cowan on the 18th, confirming his proceedings.

32. It is with great concern that his Excellency in Council feels compelled to pass orders which affect so seriously officers whose fault has no doubt been due mainly to over-zeal for the maintenance of peace and order, but he considers it absolutely necessary to cause it to be understood that, whilst every officer will be fully supported in any measures, however rigorous, which he may be justified by law in adopting for the maintenance or restoration of the peace, no one will be permitted to supersede the law at his own discretion. The line between the two things is broad and clear, and the Governor General in Council would be equally prompt to notice any remissness in the use of the means sanctioned by law for suppressing crime and bringing criminals to justice. He has no fear that the course which it has been necessary to take with regard to the present case will deter other officers from a becoming energy and promptitude in the presence of danger. On the other hand, his Excellency in Council fears as little that the course now taken will be misunderstood by the native population. He trusts that this example will teach them that under British rule all alike must obey the law, and they may be well assured that the punishment now inflicted on a British officer who has broken the law, is not in any way connected with indifference or indulgence to the crimes of those whom he punished unlawfully. Their offence was deserving of exemplary punishment, though it should have been inflicted in a proper manner, with greater moderation, and with more discrimination, between the degrees of guilt of the persons concerned. And, lastly, his Excellency trusts the present decision will make it clear to all classes that such proceedings as Mr. Cowan's are forbidden by law, and are bad in policy, because they leave no time for moderation and discrimination, and so take away the distinction between the deliberate satisfaction of the requirements of justice, and a hasty acceptance of the suggestions of excitement and alarm.

33. In communicating this review of the conduct of the Commissioner and the Deputy Commissioner, the Governor General in Council considers it due to his Honor the Lieutenant Governor to refer to the sentiments enunciated by his Honor in connection with those which his Excellency in Council has felt bound to record. The Lieutenant Governor, from the first, embraced and expressed the opinion that the conduct of Mr. Cowan was unjustifiable in regard to the precipitation, illegality, and indiscriminate rigour of his proceedings. A consideration of the exciting circumstances under which Mr. Cowan acted, of the political danger which he apprehended, and of the necessity of supporting officers of Government in acts even of excessive severity when done in good faith, and for the public interest, induced the Lieutenant Governor to withhold an expression of blame which would have been otherwise in accordance with his sentiments, and of which the Governor General in Council would have approved. His Excellency is, however, happy to be able to recognise that there is no essential difference between the views entertained by the Governor General in Council and those of the high officer entrusted with the administration and security of a province so important as the Punjab.

THE KOOKA OUTBREAK.

59

(Government of India, Financial Department—No. 151A, of 1872).

To His Grace the Duke of *Argyll*, K.T., Her Majesty's Secretary of State for India.

My Lord Duke,

Fort William, 3 May 1872.

By our Judicial Despatch, No. 28, of the 2nd instant, in the Home Department, your Grace will learn that we have considered it necessary to mark our condemnation of the conduct of Mr. L. Cowan, late Officiating Deputy Commissioner of Ludiana, by removing him altogether from the service of Government.

2. The reasons for our action are fully set forth in the Home Office Despatch above quoted. We now venture to recommend to your Grace's merciful consideration Mr. Cowan's claim to a moderate pension.

3. Mr. Cowan is an uncovenanted servant, who, through a long service of 23 years, had raised himself, by meritorious and faithful conduct, to the responsible office of Deputy Commissioner, and had been for some time entrusted with the charge of the Ludiana District, which contained the head quarters of the Kuka sect. The selection of Mr. Cowan for the charge of a district which contained peculiar elements of disaffection and danger is a proof of the esteem in which his character as a public officer stood, and his acts in the early part of last year, in connection with the murders perpetrated by the Kukas at Raikot, fully justified the confidence placed in him. That he failed in the present instance we cannot but attribute in a great measure to the grave apprehensions which the proceedings of this sect, somewhat perhaps exaggerated by his close observations of them, had excited in his mind.

4. There can be no doubt that Mr. Cowan acted sincerely and zealously in accordance with what he erroneously believed to be the urgent demands of public duty. It is deeply to be lamented that he did not possess that firmness and calmness of temperament which enables a public servant to behave at once with energy and reflection in a serious danger. Mr. Cowan erred, but his errors is not, in our opinion, to be confounded with those deliberate infractions of duty which are commonly visited with the severest penalties. In this case there was no offence against the rules of morality or rectitude; it was the misfortune of Mr. Cowan to be confronted with an emergency which his character did not enable him to meet with success. Nothing short of the removal of Mr. Cowan from the service would adequately mark the reprobation which this Government entertains for the acts into which he was betrayed, but we have prescribed this severe measure of punishment with regret; we cannot withhold some measure of sympathy for the offender, and we should be sorry to see a sentence of absolute ruin added to the humiliation and loss which he must inevitably experience. We therefore earnestly solicit the assent of your Grace to the proposal which we now submit, viz., that as a special case Mr. Cowan be allowed a pension of 300 rupees per mensem, with effect from the date of his dismissal.

We have, &c.
(signed) *Napier.*
Napier of Magdala.
John Strachey.
R. Temple.
H. W. Norman.

(Judicial, No. 32.)

From Secretary of State for India in Council to the Government of India.

My Lord,

India Office, 18 July 1872.

THE Despatch of your Excellency's predecessor in Council, dated 2nd May, No. 28, of 1872, relative to the Kuka disturbances, has been most carefully considered by me in Council.

2. In that Despatch, Lord Napier in Council stated that, after a full consideration of all the circumstances connected with the outbreak and its suppression, he had felt it his duty to dismiss Mr. Cowan from the service of Government, and to remove Mr. Forsyth to another appointment in Oude.

3. I have to express to you my concurrence in the principles laid down by the Government of India as applicable to this most painful case, and my entire approval of the dismissal of Mr. Cowan from the public service, and likewise of the orders which you have issued in respect to Mr. Forsyth.

4. In consideration of his previous services, I approve of the grant to Mr. Cowan of a pension of 300 rupees per mensem, as proposed in the Financial Despatch of Lord Napier in Council, dated 3rd May, No. 151A, of 1872.

I have, &c.
(signed) *Argyll.*

EAST INDIA (KOOKA OUTBREAK).

COPY of CORRESPONDENCE, OF EXTRACTS FROM
CORRESPONDENCE, relating to the KOOKA
OUTBREAK.

(*Mr. Kinnaird.*)

*Ordered, by The House of Commons, to be Printed,
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